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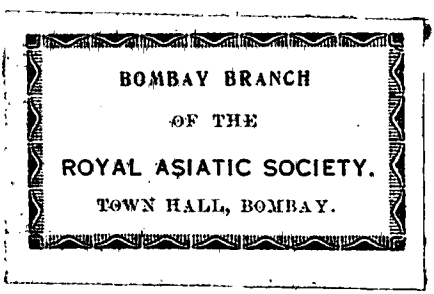

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REVOLUTIONS

IN

ENGLISH HISTORY.

BY

ROBERT VAUGHAN, D.D.

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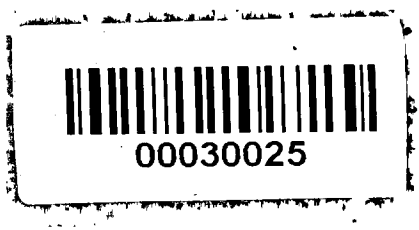

PREFACE.

THIS volume brings my chosen labour to a close. No work of this nature has been written on English history. Its material is of course, to a large extent, the known material of the past, recast in accordance with my object. But it has not been my manner to take that material upon trust. My pages are the result of independent research, and of independent thought; and if my purpose has left me at liberty to pass over much to which large space has been assigned by our historians, it has required that many facts and influences which have been comparatively or wholly neglected should be brought out with distinctness and prominence. The new sources of information which are being laid open so freely to the historical student, make it imperative that the writer who would deal successfully with almost any topic in our annals, should bring to his subject a fair measure of contribution properly his own. In a few of the instances in which my researches have enabled me to do this, mention has been made of the fact; but, generally, it has been left to the reader familiar with such inquiries to mark for himself the degree in which I have presented the action of change and

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BOOK XII.

PARLIAMENTARIANS AND ROYALISTS.

CHAPTER I.

DECLINE OF ROYALISM.

THE question to be determined under our Tudor princes was, whether the place of England in the time to come should be on the side of the medieval or of the reformed faith. There were disputes under those sovereigns concerning civil liberty, but the grand controversy had respect to religion. Under the Stuarts, there were religious discussions—many, and bitter; but the great struggle had respect to the general liberty of the subject, and to the future of the English constitution.

The Stuart controversy.

When the house of Stuart came to the English throne, no principle had been more deeply rooted in our political history than the principle of monarchy. It was the centre element around which every other took its place, and to which every other seemed to be naturally subordinate. England without a king, was a conception unknown to our law, and wholly foreign to the feeling of our people. In the eyes of the Englishman, this whole English land was represented in the king, and in him its whole people were supposed to be impersonated. '*My* king,' was an expression charged with that loving and proud loyalty which had flowed on with our life's blood through centuries. But in less than half a century from the death of Elizabeth, the man who had come by law

Transition from royalism to republicanism.

BOOK XII. CHAP. I.

and heritage to the English crown is sent to the scaffold, and monarchical England becomes a republic. The causes of such a revolution must have been potent, significant, well deserving a careful study. No doubt, the character of Charles I. contributed in a special manner to that terrible issue. But that deepest tragedy in our seventeenth century came from the character of James hardly less than from that of Charles, and from the reign of the sire fully as much as from that of the son. The court and government of England under James, were to become to the reign of Charles, what the court and government of Paris under Louis XV. were to become to the reign of his successor. In our popular histories, this fact has not been brought out with due distinctness and prominence. We are all familiar with the faults of Charles I.; but we have not been shown with the same clearness and iteration what the education was which had made the nation to be so impatient of such faults. Hence, if we assign a larger space to the reign of James I. than the reader may have expected, let it be remembered that this is our reason for so doing.

Aspect of Europe in regard to free institutions in 1603.

When the sceptre passed from the Tudors to the Stuarts, the aspect of affairs in Europe must have been not a little discouraging to the friends of constitutional government in this country. Almost everywhere the promise of the past, in this respect, had proved delusive.

Spain—Power of the Cortes.

In Spain, the Cortes of Castile, of Aragon, of Valencia, and of other kingdoms, represented the commons in the national councils as far back as the twelfth century. Both in legislation and taxation, the deputies who bore that name were conjoined with the greater and lesser nobles, and with the representatives of the clergy. These Gothic customs were gradually diffused over Spain, as the patriotic fugitives who had seized upon the fastnesses of Asturias, descended to the plains, and founded the new Christian kingdoms of the peninsula. Powerful

and arbitrary princes often infringed on the legal rights of their subjects. But those rights were asserted, and were maintained, very much as in our own history during the same period. In regard to taxation, the liberties ceded to the Cortes were very large, from the fact, that the taxes levied in their name were paid almost wholly by their constituents; the nobles being privileged classes, and allowed to plead exemption from burdens so imposed. None of our sovereigns during the Middle Age were under so much restraint from the power of their nobles as the Christian sovereigns of Spain.

But it was a material defect in the representative systems of Spain, as compared with our own, that the commons were the representatives of the great towns only. They did not represent land—they represented citizens. They were simply an organization of burgesses, often very wealthy, but exercising their power on grounds wholly apart from those more feudal relations which bound the nobles to each other and to the throne. The cities represented by them were not numerous. But a great city sometimes sent eight or ten deputies—all men accustomed to the forms of popular government within their own city walls, and desirous of carrying the spirit of such institutions into the national councils. This, however, was the extent of their mission. Another fact scarcely less unfavourable to the power of those assemblies, consisted in their being many—and not one. They represented their several provinces or kingdoms, and when these came under one sovereign, national prejudice and clashing interests never failed to awaken passions in the local organizations unfriendly to joint action.

Insurrection of 1520.

In 1520, a crisis came in the history of these representative systems. The Cortes assembled in Galicia in that year, granted a large supply to the government, without insisting, according to usage, and in accordance with instructions from their constituents, on a redress of grievances. The citizens in Toledo,

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and in other places, rose against their deputies. One they killed. The houses of others were razed to the ground, and their property, as if execrated on their account, was in no case appropriated, but everywhere destroyed. The government resolved to inflict a signal punishment on the offenders. But the citizens of Segovia, with whom the chastisement was to begin, rose in self-defence, and an army of twelve thousand men closed the gates and manned the walls. The revolt spread in this form, so as to embrace the whole of the population understood to be represented by the Cortes. In this attitude, with arms in their hands, the commons presented a long list of grievances, of which they had often complained, and for which, as they affirmed, there should now be a remedy. Charles V. was in the Netherlands. The regent who filled his place was disowned by the people.

Battle of Villalar—Fall of the Cortes.

But the commons trenched in some of their demands on the privileges of the nobility. The nobles, who, up to this point, had rather encouraged than restrained them, now became alarmed. Charles did his best to strengthen and to perpetuate this jealousy. The result was, an understood combination between the aristocracy and the crown, for the protection of their common interest. In the great battle of Villalar which followed, the power of the commons was utterly prostrated. So general was the sense of bad government, so strong was the spirit of freedom, and so wide was the actual insurrection, that the only explanation of this signal failure must be found in the want of unity among the malcontents, and in the want —so common in such cases—of an efficient leadership.

Charles availed himself sedulously of all the advantages to be derived from this new position of affairs. Much might be done by fomenting jealousy between one national assembly and another. More might be done by strengthening a feeling of that nature between the grandee and the commoner in every assembly of that order. But the nobles were not themselves gainers

by this policy. In 1539, Charles pressed the Cortes of Castile to grant him supplies. The commons were deaf to his entreaties. The nobles resisted his will even more strenuously. From that time the crown ceased to convene either nobles or clergy for that purpose. The commons saw the political power of the grandees and of the churchmen die out, and without regret. It was not at once perceived by them, that their own function, as standing alone, must soon become worse than useless. They may continue to exist, but in the time to come, their business, they are told, is to vote the supplies required by the government, leaving it to the discretion of the sovereign to deal with all questions concerning grievances.

From this time the Spanish noble contents himself with the privilege of being allowed to remain covered in the presence of royalty, and of being free to exhaust life amidst scenes of passive splendour and indulgence.* From Spain, accordingly, the friends of liberty in England, at the opening of the seventeenth century, could expect no good influence. To such men, the recent history of that country was full of warning—to their opponents it was full of hope.

* Sandov. *Hist. del Emper.* ii. Ferreras, *Hist.* viii. ix. Zurita, *Anales*, tom. i. Sampere, *Histoire des Cortes.* Robertson, *Charles V.* Prescott's *Ferdinand and Isabella*, *Introduction.* After the fall of Spanish liberty, the Spaniard had little inducement to study the constitutional history of his country. But during the present century much light has been thrown on this subject, and seeds which seemed to have perished have borne fruit. Among the old Spanish kingdoms, that of Aragon appears to have been the most advanced in political intelligence and liberty. In that state 'the Cortes exercised the highest functions, whether of a deliberative, legislative, or judicial nature. It had a right to be consulted on all matters of importance, especially on those of peace and war. No law was valid, no tax could be imposed, without its consent; and it carefully provided for the application of the revenue to its distinct uses. It determined the succession to the crown; removed obnoxious ministers; reformed the household and domestic expenditure of the monarch; and exercised the power in the most unreserved manner, of withholding supplies, as well as of resisting what it regarded as an encroachment on the liberties of the nation.'—Ibid.

France—The states-general.

The states-general of France always consisted of the nobles, the clergy, and the commons—the three estates. But the assemblies so constituted do not make their appearance in that country before the opening of the fourteenth century. Philip the Fair, then summoned the third estate, as it was afterwards called, for the first time. The king had a dispute with the pope, and was desirous of adding to the suffrage of the nobility and clergy, as much weight as might be derived from the sanction of the people. His majesty thought of nothing beyond the exigency of the moment. But the effect of this measure was to introduce an element into the government of that kingdom which was destined to become a great power, for good or evil, in its later history.

Limited function of the third estate.

The position, however, of the representatives of the commons in France, was by no means so favourable to popular liberty as that of the Cortes in Spain. In France, the power of legislation was always in the sovereign. The laws always consisted in ordinances issued by the king; not in statutes enacted by a parliament. The great business of the commons was to vote supplies, which, of course, may be said to have involved the power of taxation, and some influence over the financial policy of the government. They also possessed the privilege of setting forth the grievances of the times in behalf of their constituents. In numbers, they nearly equalled the nobles and the clergy combined. But it was not their manner to meet in one large assembly. They were broken up into sections; each section acting as a sort of committee of grievances for the district represented by it. The reports from these different sections constituted the general statement which was submitted to the consideration of the crown. In some instances, the king promised that the grievances complained of should be redressed; in others, reasons were assigned for not giving immediate attention to them, or for not granting what was sought. In the history of the third

estate in France, accordingly, we miss the influence of debate in a large assembly, and the democratic feeling of its members, as passing thus to the community. There were also some other circumstances which bespoke the comparatively humble condition of the French commons. Their speaker always addressed the throne upon his knees, while the orator who spoke in behalf of the notables, and of the clergy, stood in the royal presence. The two latter estates, moreover, sat in the presence of each other uncovered, not so the commons.

History of the Tiers Etat.

But the popular power in France in those times was in reality much greater than this account of the political standing of their representatives would suggest. The cities and towns of that kingdom were rife with democratic feeling, and the spirit of those local organizations manifested itself, upon occasions, through their representatives, in a manner which seemed to menace the interests of all the privileged classes of society. The French revolution at the close of the last century, had its precursors in the popular remonstrances and crimes of 1356 and 1382. But the action in those early disorders was followed by reaction. The natural effect of such excesses was, to teach the nobles, the clergy, and the crown, to forget their feuds, and to combine against this third-estate power, as against a common enemy. After 1356, thirty years passed without seeing another convention of that body: and after 1382, another thirty years followed, during which the sovereigns of France dispensed with such assistance. The assembly convened at the close of the last interval, exacted a large redress of grievances, but it was a redress only on parchment. It was swept utterly away by the mobs of Paris in the following year. The convention of 1421 was full of faction, and covered itself with disgrace, by consenting to place France in subjection to the crown of England; and that convened in 1439, sank still lower in weakness, if not in dishonour, by formally

abdicating its power in regard to taxation, placing the resources of the country, along with its increased military force, wholly in the hands of the sovereign. The third-estate would now have been quietly ignored, had not the wily temper of Louis XI. disposed him to make his uses of the *bourgeoisie*. Despotism never veils its repugnant features so effectually as by giving to its acts the appearance of a popular suffrage.

But in fact, the only occasion in the history of the states-general in which that body seemed really to understand its function, and to be in a fair measure equal to it, was under Charles VIII. There was concord at that time between the several orders. Sagacious men delivered their sentiments fully and freely. Great principles were enunciated and recognized. Supplies were voted, but only in the measure that might leave upon the government the necessity of convening the estates again at no distant day. But the wisdom of these proceedings alarmed the crown more than the disorders which had come in the train of such assemblies in the past. Charles VIII., Louis XII., and Francis I., all had foreign wars upon their hands, but all contrived to carry them on without resorting to the dangerous experiment of convening the states-general. The factions which came into prominence during the religious wars endeavoured to make the states subservient to their policy; but the confusions of those times ended in the accession of Henry IV., and from that time, the French monarchy became 'absolute in right, and in reality, until '1789.'* 'Henry IV. was on the throne of France when James I. became king of England.

Germany and other states.

In the time under review, the provinces and cities which had been included in the German empire continued to enjoy the measure of freedom and independence which had long been ceded to them. Hungary,

* Thierry's *Tiers Etat*. c. vi. Stephen's Lectures *On the History of France*, Lecture ix.—xii.

Poland, and Bohemia were all possessed of constitutional governments, but the military and feudal influence was strong in them. The liberties asserted by the Swiss cantons, and by the great cities of the Netherlands, were most within the observation of our forefathers, and the greatest object of interest to them. Our religious exiles, of all descriptions, had often found their asylum in those parts. Englishmen had taken a conspicuous part in the struggle maintained by the Low Countries against Spain: and unless much absorbed in trouble of their own, were not likely to be inattentive to what was passing in those provinces.

English patriotism had reason to be alarmed.

So on the accession of the house of Stuart thoughtful Englishmen knew enough concerning the disasters which had come upon free institutions elsewhere, to be well assured of the danger to which all such acquisitions were exposed among themselves. They knew that they could place scarcely any safeguard about popular rights in their own case, that had not been invaded and trampled down among their neighbours. They had seen the budding liberties of medieval times give place to the settled military ascendancy of times accounted much more enlightened; and might well fear lest the effect of the increase of wealth, and even of intelligence, should be to bring in arbitrary power, rather than to promote the growth of popular liberty.

Circumstances in favour of England.

It is true, such men might have seen that the liberal institutions which had come to an end on the continent, had not been in all respects the counterpart of their own. The exemption of the nobles from taxation, as in Spain, in France, and in other countries, was unknown in England. So far there was less room to apprehend the evils which had been engendered in those nations by jealousies between lords and commons. The English lower house, moreover, possessed a unity peculiar to it. It was strictly national. It was not broken up into a number of assemblies, representing separate *communities*, as in Spain; nor

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into a number of sections, representing separate *interests*, as in France. Every popular representative in the English parliament stood up in the presence of his whole order, and spoke with the authority and freedom of a man belonging to a body representing the entire commons of England. Nor did the house consist of burgesses only, representing citizens and moveables; but of knights also, representing land and counties. In all these respects the advantages were greatly on the side of the English constitution. It was futher observable, that the countries in which civil liberty had lost ground, were the countries in which the papal system had been allowed to prevail. No Protestant state had become thus renegade. Hence the sentiment became deeply lodged in the mind of Englishmen, that only as England could hope to be Protestant, might she hope to be free.

Position of the English house of commons in 1603.

We have now reached the stage of revolution in English history in which the English house of commons will assume the place it is destined to sustain. The wars of the Edwards in the fourteenth century, contributed to give prominence and power to our lower house in their time; and two centuries later, the religious policy of the Tudors tended to the same result. In severing the English church from the papacy, and in all the strong measures necessary to carry forward and complete that great revolution, the Tudors sought to give weight to their proceedings by presenting them as the acts, not of the crown merely, but of the crown in conjunction with the voice of the nation as expressed through its parliaments. There were times when Henry and Elizabeth seemed to make light of parliaments; but they were careful never to commit themselves to any great act without the sanction of that authority. In the general submissiveness of the commons through the changes of the sixteenth century, there is not much that should occasion surprise. The student of history may see in it the action of an instinctive good sense. The in-

terests of the crown and of the lower house through those years were in the main identical. Both parties were alive to that fact. Had our Tudor sovereigns attempted to rule independently of the representatives of the nation, they must have ruled at best but feebly, and to small purpose. And had the commons so far resisted the crown as to have made the sovereign feel that to rule through that medium was not possible, a struggle might then have commenced for which the commons were not prepared, and amidst the chances of war, the promises of a constitutional government in England might have ended as the like promises were to end in Spain and France. Notwithstanding the impediments placed in its way by mistaken legislation, and by the frequent corrupt action of the government, the commerce and wealth of this country grew amazingly through the whole of the century ending with the last days of Elizabeth; and the men who had so enriched it, placed the weight of their entire intelligence and acquisitions in the scale of the house of commons. When the crown passed from the Tudors to the Stuarts, the commons had become so formidable a body, by their political experience, by their greater numbers, and by their increased wealth—exceeding that both of crown and peerage—that should it be necessary to struggle hard towards a more definite and settled system of liberty, the time had come in which they might engage in such a conflict with a fair prospect of success.

It is no doubt true that the power ceded to the Tudors was great—indeed, so great that there were times when all other powers seemed to pale before it. But, the reader has seen that there were also seasons in which both Henry and Elizabeth were made to feel that their authority was far from being absolute, and that there were great lines of protection thrown about the person and property of Englishmen which it became them to respect. The frequency with which

these sovereigns convened parliaments, and acted with them in the most weighty affairs, established a mass of precedent that could not conduce so largely to the dignity and authority of the crown, without operating strongly in favour of the liberty of the subject. When the monarch expected so much from the people, it was natural that the people should expect much from the monarch. It would have been well for the Stuarts had they understood this posture of affairs as the Tudors understood it; and been prepared, in consequence, to couple with their inclination to act upon the arbitrary precedents of Elizabeth or Henry, the disposition of those sovereigns to conciliate the popular feeling whenever a policy of that nature became manifestly wise.

Parliamentarians and Royalists are names of political parties that do not make their appearance in our language before the time of Charles I. But the principles which these terms were then used to designate had been long seething in the English mind, and came into strong action when the first Stuart sovereign ascended the English throne.

Causes which lowered the influence of the crown under James I.

The causes which tended to weaken the power of the crown under James I. and to strengthen the power of parliament, were many. One cause, and the cause which embraced the seeds of nearly every other, will be found in the character of the king.*

* James often boasted of his accession to the throne as being by a title which was unquestionable and divine. But the case was not exactly so. In the thirty-fifth year of his reign, parliament empowered Henry VIII. to determine the succession by his personal will. Henry executed such a will, declaring that in default of issue by his children, the crown should descend to the children of his younger sister, Mary, in preference to the children of his elder sister, Margaret. Thus, according to royal and parliamentary authority, the claim of the house of Suffolk in England, took precedence of the claim of the house of Stuart in Scotland. But this will was overruled by an authority ulterior to that of king and parliament, viz., by the voice and feeling of the nation. It is only as we remember the maxims of the Stuarts, in regard to popular suffrage on such ques-

Character of the king.

The grandfather of the king had married into the house of Guise. His mother was born of that marriage, and had been educated in that school. In families, moral as well as physical qualities are often hereditary. In the princes of the house of Stuart we see little of the sober, Gothic honesty of the lowland Scot; much of the vanity, unsteadiness, and insincerity natural to the Italian and Gallic stock from which they came. In James, tendencies of the latter description were always observable. His physical nature, indeed, was so peculiar, as to baffle conjecture in regard to the probable origin of its characteristics. His flesh was remarkably soft. His legs were so weak that he did not so much walk as amble. His eyes rolled in a singular manner, as if involuntarily, and seemed prompted at times by curiosity or timidity to follow the stranger who had last come within his sight. His tongue was too large for his mouth, affecting his speech, and becoming disagreeably evident in his eating and drinking. His wardrobe was neglected, and rarely changed. To put on the clean in the place of the not clean was irksome to him. His high conceptions in regard to the authority that should be accounted as inherent in a king had been rudely checked in Scotland. But he looked to England as to the country of bishops, of nobles, and of a people who knew how to defer to sovereign power. It was the promised land in which his fondest hopes of regal greatness were to be realized. Much soon happened to reveal the error of such anticipations.

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tions, that we have felt disposed to mention this circumstance.—See Nicolas's *Testamenta Vetusta*, i. 37-44. Luder's *Essay on the Right of Succession to the Throne in the Reign of Elizabeth*. Bedford's *Hereditary Right Asserted*. Elizabeth was obstinately silent, in death as in life, as to naming her successor. Concerning her decease, 'the Papists,' says a contemporary, 'tell strange stories, as utterly devoid of truth as of civil honesty or humanity.'—Chamberlain's *Letters*, March 30, 1603; MSS. State Paper Office.

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But the king was not to be convinced. Resistance to his will was always regarded as factious—as the perpetration of wrong, and of wrong verging upon treason and impiety. He would gladly have substituted an imperial despotism, based on the civil law, in the place of the system of liberty based on the English constitution. Had he possessed the power, he was fully satisfied that the right so to do was inseparable from his office. At the same time, in the intellectual and in the moral character of the king, there was almost everything that could tend to give to such pretensions the appearance of a grotesque absurdity. James often evinced a kind of shrewdness in his observations on men and affairs. But his capacity was narrow; and though he was obstinate in his prejudices, from a radical weakness of nature he could never be relied upon when circumstances happened to become opposed to his inclinations. His speeches present a strange mixture of sense and nonsense; of self-assertion and self-contradiction; of wisdom culled from books, and of follies bubbling up from his own mind. It is remarkable, that of all his favourite schemes, and he had many, there was no one which he did not live to see a failure, those concerning which he had been the most sanguine, proving in the end the most hopeless. Thus the union of the two kingdoms; the suppression of English Puritanism; the reconciliation of his Catholic subjects to his sway in England; the extension of Protestantism over Ireland, and of Episcopacy in Scotland; his hope of a marriage alliance with Spain; and his endeavour to establish certain arbitrary maxims of government, in the place of acknowledging the rights demanded by his subjects—all these matters lay near the heart of this monarch, all were zealously prosecuted by him, and all were failures. In truth, judged by his conduct, James should never have presumed to meddle with the affairs of a great nation. His days should have been passed in private

life. His pedantry, his vanity, and his want of courage were all his own—no king in English history had ever betrayed infirmities of that nature in any such measure. It was not only true that all his apparent virtues suffered from the contagion of their neighbouring vices, but those virtues could not be trusted from one day, or even from one hour, to another. 'When, for example,' says a French ambassador, 'I believe myself to have brought him, 'and those around him, to the conclusion that they 'should not endeavour to effect anything in France 'in favour of the Huguenots; nay, when the king 'goes so far as to speak slightingly of them, and to 'treat them as rebels, I suddenly receive information 'from those who carefully observe his words and 'actions, that he is as if utterly altered, is calling on 'his subjects to stand by the Huguenots, and swearing he would rather lose all his three crowns than 'suffer Rochelle to be taken.'*

James could be apparently generous, but it was to his favourites, and his profusion in such quarters was often indulged at the cost of justice and humanity. His majesty's treatment of Raleigh's widow furnishes sufficient evidence on this point. He was not naturally cruel; but when opposed, or when under bad influences, he could strain even severe laws beyond their just limits to inflict the weightiest punishment. Contemporaries who had the best means of knowing him, complain of his utter faithlessness, his habitual profaneness, and his gross sensuality.

During the negotiations concerning the Spanish match, the king had solemnly promised that the penal laws against Romanists should be suspended; and he at the same time assured the English parliament that nothing of that nature had been done or contemplated. Among those present who knew the false-

* Tillieres, Despatch, June, 1621, in Raumer's *History of the Sixteenth and Seventeenth Centuries*, illustrated by Original Documents, ii. 256.

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hood of this assertion, were the Spanish ambassador, the duke of Buckingham, and prince Charles.* Foreigners were amazed to find in a king who busied himself beyond all others with religious affairs, a person so much wanting in reverence for sacred things, for the divine name, and so little mindful of veracity and decency. The great source of these scandals, it seems, was intemperance. When sober, his majesty lamented, in the manner of the drunkard, over the last debauch, but on the next approach of temptation betrayed the same weakness. Seeing the probable result of these disgraceful habits, the queen prayed that the prince of Wales might be committed to her care.† In 1606, the king was represented on the stage as swearing most profanely because he had been robbed of a bird; as beating a gentleman who had happened to call off the hounds from the scent; and as being drunk at least once a day.‡ James

* Prynne's *Hidden Works of Darkness*, 4-15, 40-47. Hardwicke's *State Papers*, i. 428-446. James, writing to the prince and the duke, says, 'I have given order to put in execution all that I have promised (suspending the penal laws), and more; as themselves confess, and had so done before this time, if themselves, by new and unreasonable motions, had not hindered it. And thus much more than I promised have I granted unto them, at their earnest suit, which is a discharge of all debts already owing to me by recusants; and therefore, if they cast up now the great dowry they are to give, remember that, by this deed, I grant 36,000*l.* of good rent in England and Ireland.'—Ibid. 445, 446. Rushworth, i. 63. Cabala, 293-295. Dod's *Church Hist.* ii. 439. Clarendon *Papers*, i. 4-7.

† Raumer, ii. 200, 220, 259-261, 266, 269, 274, 276-279. The queen's words were, 'It is time that I should have possession of the prince, and gain his affection, for the king drinks so much, and conducts himself so ill in every respect, that I expect an early and evil result.'—Ibid. 209, 210.

‡ Villeroi to La Boderie, Ap. 1606. Raumer, ii. 219, 220. 'Consider, for pity's sake, what must be the state and condition of a prince whom the preachers from the pulpits publicly assail; whom the comedians of the metropolis bring upon the stage; whose wife attends those representations in order to enjoy the laugh against her husband; whom the parliament braves and despises, and who is universally hated by the whole people.'—Beaumont's *Report*, July, 1604. The first law against drunkenness made its appearance on our statute-book during this reign.

interposed to put an end to these exposures, but continued to shock his subjects by a still freer indulgence in such excesses.

Indeed the impurity of his majesty's language and conduct became such towards the close of his career, as not to allow of being committed to writing. The residence of the Duke of Buckingham was the scene of strange orgies. 'I have too much modesty,' says the ambassador before cited, 'to describe in the terms 'of strict truth things which one would rather alto-'gether suppress than set forth in despatches destined 'for the perusal of exalted persons. They are such 'as even friends touch upon only with reluctance in 'confidential letters. I have, nevertheless, sought 'out for the most decent expressions which I can 'make use of, to convey to you some of the particu-'lars, but I have not succeeded, whether because I 'am deficient in adroitness, or that it be really im-'possible to lay these histories before chaste ears.'* Subsequently the envoy was induced to become more communicative, and the language, especially the language of James in expressing his affection for Buckingham, is such as we may not transcribe. What it means we do not pretend to understand. It must be sufficient to say that an 'infamous licentious-'ness,'† the very remembrance of which must give 'horrible displeasure,'‡ is said to have been the cause which disposed the king in his later years to avoid intercourse with men of rank and understanding.

The reign of James was followed by the ascendancy of his enemies, and it may be supposed that his memory has suffered from that cause. But the facts now stated, attested by every sort of authority, will enable the reader to judge for himself on that point.§

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* Tillieres, in Raumer, ii. 260, 261. † 'paillardise.'

‡ 'déplait horriblement.' Raumer, ii. 265, 266-269, 274-276, 278, 279.

§ Dalrymple's *Memorials*, i. 168, 169. Weldon's *Court and Character of James I.* 102, 103. Somers' *Tracts*, with Walter Scott's notes, ii. 488.

Manners of the court.

The manners of courts are generally a reflex of the manners of the sovereign. The court of James I. was not an exception to this law. Elizabeth was no prude. It was not in her nature to seem shocked by trifles. In her later years, too, the ways of the men and women about her, and the morals of the capital, had not changed for the better. But her sex, and her Tudor pride, tended to insure a comparative purity of intercourse in the upper classes of society. With the accession of James a marked change in this respect becomes visible. The levity and vice which had been with difficulty restrained before, now burst forth as through an opening embankment. The king was no sooner settled in his new dominions than his old love of ease and indulgence resumed its influence over him. The cares of government were a burden which he threw off to the greatest extent possible. His majesty often said, that he would rather resign his crown than be obliged to occupy himself largely with such matters. Relaxation was necessary to his health, and his subjects should know that his own health was the health of them all. Hence the pleasures of the chase and of the cockpit were the favourite occupations of royalty by day, while at night the court presented a succession of costly and fantastic spectacles, preliminary to other gratifications of a less harmless description. In the management of these spectacles the queen took a conspicuous part. A few months after his majesty's accession, a courtier writes: 'The king 'came back from Royston on Saturday, but is so far 'from being wearied or satisfied with his sports, that 'presently after holidays he makes reckoning to be 'there again, or, as some say, to go further towards 'Lincolnshire, to a place called Ancaster Heath. In 'the meantime here is great provision for the cock-'pit, to entertain him at home; and of masks and 'revels, against the marriage of Sir Philip Herbert 'with the lady Susan Vere, which is to be celebrated 'on St. John's day. The queen hath likewise a

'great mask in hand against Twelfthtide, for which 'there was 3,000*l.* delivered a month ago.'*

Court masks.

In preparing these masks, the popular dramatists, and especially Ben Jonson, were constantly engaged. They lavished all their learning and genius upon them. Theatrical performances of this nature had never been in such fashion. Their want of all natural dramatic interest, and of anything that could be called dialogue, except as sustained by a few professional assistants, was supplied in some measure by the fabulous and romantic character of the persons, the objects, and the scenes, which made up the courtly spectacle. Gods and goddesses rose from the deep, or descended from the sky, and passed and repassed amidst the scenic presentations of earth and heaven, in pageant grandeur, and in these appearances sang appropriate songs, or gave utterance to mythological or allegorical compliments. The parts of most show, but requiring the least skill to perform, were sustained by the ladies and gentlemen of the court, who frequently made their appearance drawn by dolphins or mermaids, or mounted on winged dragons. The great object of the dramatist on these occasions was to construct, on some historical or mythological foundation, a slight but apposite fable; to enrich it for the select with allusions drawn from the most recondite sources; to expound it to the eye by symbols of learned significance; and to impart something of the classical and appropriate to the music, the dances, the cumbrous machinery, the endless decorations, and the gorgeous dresses. The sentiments expressed were often those of a glowing virtue and heroism, sounding strange to the ears of thoughtful men, from their contrast to the feeling and habits both of the actors and spectators on such occasions. The indecencies which were often mixed up with, or came in the train of such high-flown discoursing, were no secret in those days.

* Winwood's *Memorials*, ii. 41.

'On St. John's day,' says the authority before cited, 'the court was great, and for that day put on 'the best bravery. The actors were the Earl of Pem- 'broke, Lord Willoughby, and a long list of knights 'and ladies. The close of this wedding-day was in a 'very hoiden fashion. There was no small loss that 'night of chains and jewels; and many great ladies 'were made shorter by the skirt, and were well enough 'served,' in being allowed to escape on such terms. In the morning, his majesty, we are told, entered the chamber of the newly-married couple before they were up, and in his nightgown gave them a *réveille-matin*.*

But the most graphic account we have of court life at this time is from the pen of Sir John Harrington. 'I came here a day or two before the Danish 'king came; and from the day he came, until this 'hour, I have been well-nigh overwhelmed with 'carousal and sports of all kinds. The sports began 'each day, in such manner, and such sort, as had well- 'nigh persuaded me of Mahomet's paradise. We had 'women, and, indeed, wine too, of such plenty as 'would have astonished each sober beholder. Our 'feasts were magnificent, and the two royal guests 'did embrace each other most lovingly at table. I 'think the Dane has strangely wrought on our good 'English nobles, for those whom I could never get 'to taste good liquor, now follow the fashion, and

* Winwood, ii. 41-44. Here is a description of what took place at the queen's mask, on Twelfth-night:—'There was a great engine at the lower end of the room, which had motion, and in it were the images of sea-horses, and other terrible fishes, which were ridden by Moors. At the further end was a great shell, in the form of a sloop, wherein were four seats; on the lowest sat the queen, with my lady Bedford; on the rest were placed the ladies Suffolk, Dudley, Rich, Effingham, Anne Herbert, Susan Herbert, Elizabeth Howard, Walsingham, and Bevil. Their apparel was rich, but too light and courtezan-like for such great ones. Instead of vizards, their faces, and arms to the elbows, were painted black. The night's work was concluded with a banquet in the great chamber, which was so furiously assaulted, that down went table and tresses before one bit was touched.'—Ibid.

'wallow in beastly delights. The ladies abandon 'their sobriety, and are seen to roll about in intoxica- 'tion. In good sooth the parliament did wisely to 'provide his majesty so seasonably with money, for 'there has been no lack of good living, shows, sights, 'and banquettings, from morn to eve.'

Sir John describes a mask performed, or attempted to be performed, before the two kings, representing the queen of Sheba visiting Solomon—a device of Cecil, now earl of Salisbury, and of others, as a compliment to the monarch who had brought so much of the fame of the Hebrew king to the English throne. 'But, 'alas! as all earthly things do fail to poor mortals in 'enjoyment, so did prove our presentation hereof. 'The lady who played the queen's part, carried most 'precious gifts to both their majesties, but forgetting 'the steps rising to the canopy, overset her caskets 'into his Danish majesty's lap, and fell at his feet; 'though I rather think it was in his face. Much 'was the hurry and confusion. Cloths and napkins 'were at hand to make all clean. His majesty then 'got up and would dance with the queen of Sheba— 'but he fell down, and humbled himself before her, 'and was carried to an inner chamber and laid on a 'bed of state, which was not a little defiled with the 'presents of the queen, which had been bestowed on 'his garments, such as wine, cream, beveridge, cakes, 'spices, and other good matters. The entertainment 'and show went forward, and most of the presenters 'went backwards, and fell down, wine did so occupy 'their upper chambers. Next came Faith, Hope, 'and Charity, all richly attired. Hope attempted to 'speak, but the beverage with which she had been 'cheered disqualified her for that kind of service, and 'she withdrew, hoping the king would excuse her 'brevity. Faith was there alone, for I am sure she 'was not joined with good works, and left the court 'in a staggering condition. Charity came to the 'king's feet, and seemed to cover a multitude of sins

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'her sister had committed. In some sort she made 'obeisance, and brought gifts, but said she would 'return home again as there was no gift which heaven 'had not already given his majesty. She then re-'turned to Hope and Faith, who were both sick in 'the lower hall.'* Then came Victory and Peace, acquitting themselves after a manner as little consistent with their characters.

Sir John expresses his wonder at these proceedings. They brought to his remembrance the pageantries of this sort in the time of the late queen, and in which he had often taken a part. But the 'lack of order, 'discretion, and sobriety,' which he now witnessed, were such as he had never before seen.†

So did the court of James I. evince its appreciation of the wisdom of its Solomon, and so did it adorn that wisdom by its fruits. The above pictures are all given from the early part of his majesty's reign. To descend lower, is not only to see these frivolities and disorders perpetuated, but to see them deepen into evils of a darker complexion.

Royal favouritism.

James was singularly destitute of the qualities ne-

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* *Nugæ Antiquæ*, i. 348-350. The following passage, from a letter written in 1620, may be taken as indicating the effect of such court manners elsewhere:—'Our pulpits ring continually of the insolence and imprudence of women; and to help forward, the players have likewise taken them to task; and so likewise the ballads and ballad-singers; so that they come nowhere but their ears tingle. And if all this will not serve, the king threatens to fall upon their husbands, parents, or friends, that have power over them, and make them pay for it.'—Chamberlain to Carleton; State Paper Office.

† It would have been strange if gaming had not found a place among such amusements. 'On Twelfth-night there was a great golden play at court. No gamester admitted that brought not 300*l.* at least. Montgomery played the king's money, and won him 150*l.*, which he had for his labour. Lord Monteagle lost the queen 400*l.*; Sir Robert Carey, for the prince, 300*l.*; the earl of Salisbury, 300*l.*; lord Buckhurst, 500*l.*; *et sic de ceteribus.*'—Chamberlain's *Letter*, Jan. 8, 1608; MS. State Paper Office. This letter states that, in a recent court festival, one lady wore jewels worth 100,000*l.*, and that the Lady Arabella exceeded her in that extravagance.

cessary to govern bodies of men. Favouritism was the natural refuge of such a mind. From twelve years old to his death he was subject, with little intermission, to influence in that form.

Sir Philip Herbert.

The first indication of the weakness of the new king in this respect in England, was seen in his thoughtless liberality towards Philip Herbert, brother to the earl of Pembroke. 'Herbert,' says Clarendon, 'pretended to no other qualification than to under-'stand horses and dogs, which his master loved him 'for the better, (being, on his first coming into Eng-'land, very jealous of those who had the reputation 'of great parts,) and to be believed honest and gene-'rous, which made him many friends, and left him 'no enemy.'* Osborne, who knew this person well, presents him in a less favourable light. He remarks, with strict truth, that 'the setting up of these golden 'calves cost England more than Elizabeth spent in 'all her wars.'† The character of Herbert was of that feeble texture which rarely fails to be materially injured by unexpected elevation. In his later life he brought himself into contempt by the violence of his temper, and the impurity of his manners.

Rise of Robert Carr.

It was not until the year 1609 that Robert Carr, afterwards viscount Rochester, and earl of Somerset, rose to his dangerous eminence. Carr, like Herbert, possessed no quality to recommend him to the affection of the king, except in his appearance, and in the ease and grace of his manners. He had been appointed to bear a shield to the king in a tilting match: but while so doing, his horse became restive and threw him to the ground. It was found that one of his legs was broken. James sympathised with him in his suffering, admired his youthful beauty, and afterwards visited him frequently in his chamber. The king, it is said, found his mind singularly unfurnished, and became enamoured with the idea of

* *History of the Rebellion*, i. 105. † *Memoirs*, 125.

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teaching him so as to train him according to his own notion of the development that might be given to his capabilities. Carr soon came under the influence of Sir Thomas Overbury, a man of sagacity and culture, and by acting in accordance with his advice, acquired a growing influence over the affection of the sovereign, without exposing himself to the aversion of the people. His fall was the consequence of an illicit passion for lady Frances Howard, daughter of the earl of Suffolk. At the age of thirteen, this lady was married to the earl of Essex, whose age exceeded her own by one year only. The custom of bringing persons of such an age into such relations must often have been disastrous. In the present instance it was especially so. The ceremony over, the parties separated until they should be of an age to live together as man and wife, the earl repairing to the university, the countess being intrusted to the care of her mother. But in this interval the countess and the favourite conceived a violent passion for each other. When the earl of Essex sought the society of his bride, she received him with coldness, and her coldness soon became manifest aversion. Before long she declared that the earl of Essex was a person who should never have been married—that he was not competent to the duties of wedded life. On this plea she claimed to be divorced from him; and in that event the favourite and the countess were to be publicly married. Somerset consulted his friend Overbury on this scheme. Overbury protested strongly against it, declaring that to marry such a woman, whom the world already knew to be his mistress, would be a piece of folly that must be fatal to his reputation and his power. Somerset reported these expressions to the countess, and the countess resolved that the life of the man who had thus opposed himself to her wishes should be the price of his temerity. She prevailed on her lover to persuade the offender to refuse a mission to the north of Europe, which had been assigned to him, and then

Somerset and the countess of Essex.

to send him to the Tower in punishment of that refusal. Once there, the only question related to the best means of putting him out of the way, and it was decided to remove him by poisoning his food. In that manner, after the slow torture of some months, the unhappy victim was despatched. The great coadjutor of the countess in perpetrating this deed was her uncle, the earl of Northampton, a Romanist, and a bold and bad man. Her ladyship, however, had availed herself of all supernatural as well as natural means, to compass her object. She had consulted a Mrs. Turner and a Dr. Forman, as persons supposed capable of exercising magical influences. To these sources she had looked with intense solicitude, in the hope that the strength of her husband might be taken from him by such means, and that the passion of the favourite might be excited in her behalf. Concerning the divorce, suffice it to say, that after much disorderly interference and threatening on the part of the king and his minion, seven out of the twelve judges were induced to decide in its favour. Their decision was generally spoken of as the decision of their fears, and not of their conscience. The marriage between this guilty pair took place in the royal chapel, in the presence of the king and of a large company of nobles, with their wives and daughters, the queen appearing at the altar in white satin, and the bride with hair in curls down to her waist—the virgin costume.*

* *Truth brought to Light*, 1-23, et seq. *Aulicus Coquinariæ*, 261. *Reliq.* Wooton, 408-410. *Nugæ Antiquæ*, i. 390. Winwood, iii. 447, 453-479. Wilson, 693. The account of the career of Somerset, given by Raumer, from a contemporary Paris MS., agrees in the main with that furnished by our own writers, ii. 223-233. Dr. Lingard, speaking of the disgraceful marriage between the earl and the countess, says, 'the City strove to equal, if not to outshine the court,' in doing honour to these nuptials, ix. 147. But it should be stated that James wrote to the mayor, calling upon him to give a banquet in honour of the event; that the mayor tried to save the City the disgrace, and that the thing was not done until the

Fall of Somerset.

This, however, was the culminating point in the career of Somerset. Soon after this marriage, he began to decline in those superficial qualities which had served to recommend him to the king. The bloom and gaiety of his youth seemed to have passed away. He became negligent of his person, changed in his manners—changed in everything. James soon began to feel the want of that amusement for which such objects were chosen by him. His mind was thus left open to the new impression made upon it about this time by George Villiers, son of Sir Edward Villiers, of Leicestershire.

Rise of Villiers.

This young man, who had not passed his one-and-twentieth year, was a handsome, well-dressed person. He had travelled, and had made a short stay in the court of Paris. James put some restraint on his feeling in favour of Villiers, until the queen should be prevailed upon to urge that he might be admitted to a place near the royal person. That object accomplished, Villiers was at once promoted to the office of cup-bearer, and from that time the overthrow of Somerset became a leading object with a daily increasing party in the court. James is said to have urged upon the younger favourite that he should profess himself willing to do good service to the elder. But Somerset, with the reckless asperity which had become common with him, replied to such overtures from his rival, 'I will none of your service, and you 'shall none of my favour. I will, if I can, break 'your neck, and of that be confident.' While the earl pursued this haughty course, an old rumour that Overbury had been poisoned in the Tower through his influence, grew so loud and general that it had become necessary to institute an inquiry concerning it. At every step of the investigation suspicions multiplied.

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king had put aside all excuse, and insisted on compliance.—Chamberlain's *Letter*, January 5, 1614; Harleian MS. *Secret History of the Reign of James I.*, appended to the Autobiography of Sir Simonds D'Ewes.

Overbury murder—fate of the culprits.

Somerset was ignorant of the machinations against him until the moment in which he found himself a prisoner. The conduct of the king towards him in the last interview with him before that event, when his majesty fondled over him in a most unnatural manner, was a piece of the most extravagant hypocrisy.* Once gone, his majesty spoke freely. He complained that Somerset and his wife had made him an assistant in the crimes of adultery and murder. In consigning the further prosecution of this affair to the vigilance of chief justice Coke, his majesty pronounced a solemn curse on the head of that functionary and his posterity, 'if he spared any of them; 'and upon himself and his if he pardoned any.'

The progress of this inquiry led to the conviction of Elways, lieutenant of the Tower; of Weston, its

* 'The king took his farewell, for a time, of London, and was accompanied with Somerset to Royston, where no sooner he brought him, but instantly took leave, little imagining what viper lay among the herbs; nor must I forget to let you know how perfect the king was in the art of dissimulation, or to give it his own phrase—kingcraft. The earl of Somerset never parted from him with more seeming affection than at this time, when he knew Somerset should never see him more; and had you seen that seeming affection (as the author himself did), you would rather have believed he was in his rising than in his setting. The earl, when he kissed his hand, the king hung about his neck, slobbering his cheeks, saying, "For God's sake, when shall I see you again!" The earl told him on Monday (this being on the Friday). "For God's sake let me," cried the king. "Shall I—shall I?" then lolled about his neck. "Then for God's sake give thy lady this kiss for me." In the same manner at the stairs'-head, at the middle of the stairs, and at the stairs'-foot. The earl was not in his coach, when the king used these very words, in the hearing of four servants, of whom one was Somerset's great creature, and of the bedchamber, who reported it instantly to the author of this history,—"*I shall never see his face more.*"'—Weldon, 101, 102. It is evident that the power of these favourites, great as it was while it lasted, was always regarded as liable to an abrupt termination. In 1618, some of the courtiers hoped to displace Buckingham in favour of a handsome youth then at court. But the youth was told it would be wise in him to avoid the king's presence. 'This,' says our authority,' was a shrewd reprimand to some, who they say made account to recover their fortunes by setting up this new idol, and took great pains in tricking him up, beside washing his face every day with posset-curd.'—MS. *Letter*, Chamberlain to Carleton, State Paper Office, Feb. 28.

warden; of Mrs. Turner, and of one Franklin, an apothecary, as being all more or less concerned in the poisoning. All these were declared guilty of murder, and suffered the penalty of the law. Sir Thomas Monson, the king's falconer, was also arraigned as having exercised much severity towards Overbury, and as being probably acquainted with his end. But, from some mysterious cause, this person was suddenly conducted from the bar to the Tower, by order of the king, from which place, after a short interval, he was liberated, without further process.

Some time was suffered to elapse before the chief culprits were brought to trial. The countess pleaded guilty, and the sentence of the law was pronounced. Somerset shared the same fate, by the unanimous judgment of his peers, though he laboured strenuously for many hours in the assertion of his innocence. The earl had been concerned in sending Overbury to the Tower, and it is not easy to suppose that he could have been ignorant of what followed.

The secret.

That James should have hesitated to shed the blood of persons with whom he had been on such terms of intimacy is not strange. But, unfortunately, there is room to suspect that this hesitation was not wholly the effect of clemency. The circumstance of Monson's being forced from the bar in obedience to a private order from the king; the haughty and even menacing demeanour of Somerset, both before and after his conviction, coupled as it was with mysterious words about secrets and revenge; the solicitude of James to have him assured that his life should not be taken, and to have him brought to trial in a submissive temper; and the character of the letters addressed to him by the lieutenant of the Tower, on these points, are all matters which seem to say that there was some secret affecting the king which his majesty feared exceedingly might come to light in the course of these proceedings. It was to prevent this threatened disclosure that James promised all that he could promise with

any regard to decency. It should be added, that threats had been addressed by Overbury to Somerset, of the same nature with those now used by Somerset towards James; and the close confinement to which that person was subjected from the time of his arrest, provokes the suspicion, that he also was the depositary of some dangerous knowledge, probably the same which his patron was known to possess. What that knowledge in either case really was, could not be discovered then, nor has it been discovered since.*

The king, notwithstanding his solemn imprecation, conferred on the countess an immediate pardon. The earl's sentence, suspended over him for several years, was at length reversed. In 1621, both were released from the Tower, and were banished to a country residence, with an allowance of 4,000*l.* a year from their forfeited property. The countess died in 1632; the earl lived to 1645. They ended their days hating each other, and disowned by the world. In the meanwhile, George Villiers became viscount Villiers, earl, marquis, and duke of Buckingham, and knight of the Order of the Garter; adding to this long list of titles, places of trust and emolument, which it would fill a large space to enumerate.

Royal profusion.

It was not enough that office should be conferred thus profusely on the succession of persons whom the king delighted to honour. His majesty was equally lavish in his personal gifts, both in land and money.

* Bacon's *Works*, iv. 90, 447, 465, 470; vi. 89, 90, 101, 103. Cabala, 33, 38, 221. *Truth brought to Light*, pp. 24-136. Coke's *Detection*, i. 84-88. *Archæologia*, xviii, 355-358. *State Trials*, ii. 951, et seq. *The Great Oyer of Poisoning*, by Andrew Amos. Men were astonished that Coke, in his fall, should seem to be so little awed by the displeasure of the king, and would 'not take the alleged causes for sound payment; but stick not to say that he was too busy in the late business, and dived further into secrets than there was need, and so perhaps might see, *nudam sine veste Dianam*?'—Chamberlain's *Letters*, State Paper Office, July 6, 1616. It should perhaps be mentioned, that the case of lady Roos and party, embracing as it did charges of 'adultery, incest, murder, poison, and such-like peccadilloes,' may be placed side by side with the Essex business.

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To his transient favourite, Sir Philip Herbert, he made large presents, especially at the time of his marriage with lady Susan Vere. He did the same on the marriage of Ramsay, afterwards viscount Haddington, with lady Elizabeth Ratcliffe. The king paid the debts of the bridegroom, which were not less than 10,000*l.*, and conferred on him and on the bride a gift in land to the value of 1,600*l.* a year. Altogether, the grants to this favoured couple from the royal bounty exceeded 30,000*l.* The king's presents at different times to the earl of Dunbar were on a similar scale; and those to the earl of Mar seem to have been even less restricted. These are instances from the earlier part of his majesty's reign, and may be accepted as showing the manner in which the king allowed himself to be impoverished from day to day. But this excess was moderation compared with what followed when Somerset and Buckingham rose into favour. A sober authority of the time, making mention of Somerset, says: 'Either his comings in are very great, or he is 'a good husband, and careful keeper of them; for it 'is observed that within the last twelvemonths he 'has made a show (by purchases) of above 90,000*l.*'* Suppers given by Buckingham, were valued at not less than 500*l.* or 700*l.* in the money of that time. It was common with the king to assign debts—the debts from recusants among the rest—to his creditors and favourites, empowering them to make exactions in his name. In some instances these persons were to retain all they could collect; in others, to divide the proceeds with himself. Nobles of the highest rank received emolument from him—not only in lands which he had no right to alienate, and in money which he could ill spare, but in licences which made them commercial monopolists, to the incalculable injury of trade. His majesty's own establishment, and the separate establishments of the queen and the royal

* Carleton's *Letters*, 1613; Birch MSS. British Museum.

children, were on a scale of expense which could not but create serious embarrassment, especially as in the entertainments of his court, and in his treatment of ambassadors, James was always concerned to make it appear that his resources were not inferior to those of the greatest potentates. His presents to the king of Denmark, in 1604, were valued at 25,000*l.*; and to another visitor, in that same year, he made presents in plate which were mentioned at the time as being much larger than Elizabeth had made during her whole reign. The documents in our State Paper Office, relating to domestic affairs during the first seven years of this reign, form more than sixty volumes, and every volume teems with evidence as to the prodigal waste both of land and treasure by the king.*

Connexion between court and city.

It should be remembered, that the preceding facts touching the character of the king, the manners of the court, and the conduct of the royal favourites, were not secret matters. They were facts with which all men were familiar, and which were the common talk. London in that day was not so large as to leave the city in much ignorance of what might be going on in the court. Its taverns, its public ordinaries, its gaming-houses, and its theatres, were all places of great resort, and places where news of all descriptions might be heard. During this reign, it was a custom, says a writer of the time, 'for the principal gentry,

* MSS. *Domestic Series.* *See* vol. vi. Nos. 104, 109; vii. 15; ix. 30; xxvii. 65, 87; xxxv. 23; xlviii. 16; liii. 31. In 1607, the king not only engaged to discharge the debts of young lord Hay, but those also of earl Montgomery, which amounted together to 44,000*l.*; his own debts being, at the same time, postponed, to be paid by instalments during the next three years.—Ibid. xxvi. 45. In October, 1605, the earl of Northampton gives the king an account of a day's work in reforming the household, of which he says, 'the flaws and expenses are infinite;' and he urges the king to burn the letter.—Ibid. xv. 97. *Truth brought to Light. Abstract of His Majesty's Revenue.* Birch's *Prince Henry*, 35. *Archæologia*, xii. 85. Winwood, ii. 43, 49, 217; iii. 117. Lodge's *Illustrations*, iii. 182, 254, 336.

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The St. Paul's promenade.

'lords, courtiers, and men of all professions—not 'merely mechanic—to meet in St. Paul's church by 'eleven, and to walk in the middle aisle till twelve, and 'after dinner from three to six. During which time 'some discoursed of business, others of news. And 'I, being young, and wanting a more advantageous 'employment, did, during my abode in London, which 'was three-fourths of the year, associate myself at 'those hours, with the choicest company I could pick 'out among such as I found most inquisitive after 'affairs of state. The newsmongers, as they called 'them, did not only take the boldness to weigh the 'public, but the most intrinsic, actions of the state, 'which some courtier or other did betray to this 'society; among whom divers being very rich, had 'great sums owing them by such as stood next the 'throne, who by this means were rendered in a 'manner their prisoners.'* In the absence of newspapers, such modes of circulating information and gossip have always been in requisition.

Licence of the stage.

It was natural that the people of all grades, knowing the king and the court as they did, should evince little reverence for authority in that quarter. 'The 'players,' says secretary Winwood, 'do not forbear to 'present upon their stage the whole course of this 'present time, not sparing either king, state, or 'religion, in so great absurdity, and with such liberty, 'that any would be afraid to hear them.'†

* Osborne's *Memoirs*, 449, 450.

† *Memorials*, ii. 54. The licence of the pulpit was often hardly less than that of the stage. A clergyman who had been chaplain to prince Henry, dared to say in a city pulpit, 'The prince told me, not a month before he died, that religion lay bleeding. And no marvel,' said the preacher, 'when divers counsellors hear mass in the morning, and then go to a court sermon, and so to the council, and then tell their wives what passes, and they carry it to their Jesuits and confessors.'—MS. *Letter*, Nov. 19, 1612. Chamberlain. Yet the attempts to suppress freedom of speech were at times most arbitrary and severe. 'Sir Richard Cocks, and five others, were fined in the Star-Chamber, some in 3000 marks, others in 1000, and the last in 500, for reporting a hearing of somewhat concerning my lord

Such was the excitement connected with the trial of the countess of Essex and of the earl of Somerset, that seats in Westminster Hall were engaged more than a week before the time. One gentleman paid 10*l.* for two seats. Fifty pounds were given for a corner which would contain seats for a dozen. Some persons, anxious to secure their places, took possession of them as early as six in the morning on the day of the trial. Every part of the vast building, except that which was assigned to the official persons and the prisoners, was filled with spectators. Business was at a stand; public amusements were neglected; the people themselves being, as lord Bacon said, more willing to be lookers-on in this business than to follow their own.* Great social demoralization could hardly fail to result from an exposure of so much wickedness in high places. The people regarded both the countess and the earl as guilty, and complained that the great criminals had been spared, while the less had suffered. On a visit of the queen to the city, in company with the countess of Derby, lady Ruthen, and lord Carew, the rumour was raised that the countess of Somerset and her mother were in the coach. The crowd followed the carriage, hissing and hooting. The countess of Derby endeavoured to undeceive the people, but without effect, and the party reached Whitehall through great difficulty and danger.

Excitement connected with the trial of the Somersets.

It was well that the people should thus feel. But

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privy seal, who there made a long speech in his own purgation. The precedent is thought strange, and the lord hath got no great advantage, but only this, that men must learn not to speak of great ones, *ni en bien, ni en mal.*'—*Letter*, Dec. 17, 1612. State Paper Office. Domestic Series.

* 'It is now eight o'clock. I come tired from hearing a piece of the earl of Somerset's arraignment, who, I think, is but now in the midst of his answer. I was there at six o'clock, and had a reasonable place; but the weather is so hot, and I grew so faint with fasting, that I could hold out no longer, especially when I heard they had sent to provide torches; so that it is verily thought he will hold them to midnight: more ladies than ever I think were seen at any trial.'—Chamberlain's *Letters*, May 25, 1616. State Paper Office.

Dean White's description of the Londoners.

if the best authorities of the time may be credited, the city had deteriorated along with the court. Dr. White, dean of Carlisle, addressing a London auditory, said—'No sin is so great but it is among us, and the greatest 'sins many times either least punished or not at all. 'And this course is so general, that he begins to be 'counted very precise that will not swear and swagger 'with the worst. Three things maintain society—'religion, justice, and order. Religion is pitifully 'violated by atheism, blasphemy, heresy, and horrible 'profaneness. Justice is destroyed by oppression, 'rapine, bribery, extortion, and partiality. Govern-'ment and order are profaned by contention, by con-'temning the magistrate: I have often seen the 'magistrate faced, and almost brow-beaten as he hath 'gone by. But that due observance and honour, that 'by baring of the head, bowing the knee, showing awful 'respect, which they should yield to the public magis-'trates of so honourable a city, I have seldom seen.' Drunkenness, says the preacher, is so general through the kingdom, that the Germans are like to 'lose their 'charter' in that particular virtue.* The London apprentice seems to have become less burdened with modesty than ever, and more ripe than ever for mischief; and the streets at night, narrow, ill-lighted, and without oversight from police, were beset with idle and disorderly persons, known by the name of 'Roaring Boys and Roysters,' to the great insecurity and alarm of the peaceable inhabitants.†

* *Works*, 10, 24, 25; ed. 1624.

† The following extracts will suggest something concerning the state of London at this juncture:—'We have many great robberies done daily; and the last week there was a plot to have seized on three good ships, bound for Middleburgh, in the river, and to have carried them away. But the matter being discovered, there were almost forty of them taken.'—Chamberlain's *Letters*. State Paper Office. So ready too, it seems, were the men about James to plead for lenity to rascals, that his majesty said, 'Were Judas alive, and condemned for betraying Christ, some of these men would be sure to beg that he might be pardoned.'—Ibid. vol. xlviii.

In general, pulpit representations concerning public manners cannot be accepted for the purposes of history without considerable deduction. But authorities of all kinds, on the tendencies of society under James I., lead us to the same conclusion. Osborne —no precisionist in any sense, complains of 'the 'notorious debauchery of the episcopal clergy;' and informs us that the term 'Puritan' had become a name of reproach which the profligate were pleased to cast on every man pretending to any sort of conscientiousness. 'Under that term,' says our author, 'were comprehended, not only those brain-sick fools 'who opposed the discipline and ceremonies of the 'church, and made religion an umbrella to impiety, 'but such as out of mere honesty restrained the vices 'of the times were branded with that title. Neither 'was any being charged with it, though of the best 'relation, thought competent to preferment in church 'or commonwealth—which made the bad glory in 'their impiety, and such as had not an extraordinary 'measure of grace, ashamed of any outward pro-'fession of sanctity. Court sermons were fraught 'with bitter invectives against these people, whom 'they seated far nearer the confines of hell than 'Papists. To avoid the imputation of Puritanism—a 'greater sin than vice in the way of preferment—our 'divines, for the generality, did sacrifice more time to 'Bacchus than to Minerva, and being excellent com-

Osborne on society and the Puritans.

No. 107. 'Last week, the bailiffs of Holborn, following a gentleman with an arrest, the gentleman took sanctuary at St. James's, whither they pursued him. The prince's servants undertook the protection of the *retraite*, and well and thriftly canvassed the catchpoles for their insolency in presuming so far upon his highness's liberties. Since then, Sir John Vaughan, comptroller of the prince's house, passing through Holborn, the bailiffs assaulted him in his coach, hammed his horses, and threatened no less unto himself, had not the favour of some Welsh apprentices come speedily to his rescue.'—MS. *Letter*, Dec. 18, 1618. The rioting of the apprentices sometimes extended to the pulling down of houses, the gutting of theatres, to almost anything that happened to be obnoxious to their humour.

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'pany, drew the most ingenious laity into a like 'excess.' * According to this picture, the manners associated with royalty, had surrounded it with much bad company, such as could not fail to detract largely from its influence. In fact, the great wish of the king to depress the Puritans, and his disposition to encourage the sort of court preachers adverted to, was a part of his policy which did more than any other to lower his reputation, and to provoke resistance from thoughtful and honest men—the men, who, after all, had the power of the country in their hands.

James and the Puritans.

When James became king of England, some five years had passed since he had penned certain counsels to his son in a work intitled *Basilicon Doron*. In this composition, the bitterness of the invective against the Scotch Puritans is such as could not have been exceeded, and the prince is warned, that if he would know any peace as a sovereign, he must resolve that such men shall have no place in his dominions.† So late, indeed, as 1598, James had reiterated his contempt of Anglican bishops, and of their performances, when addressing the general assembly of the church of Scotland, and had pledged himself anew to stand by the 'kirk' and its 'ministry.' But in the following year the *Basilicon Doron* was written; and before his majesty had crossed the border in 1603, printed copies of that work had passed into the hands of his new subjects. To one party, nothing could be more

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* *Memoirs*, 440-443.

† 'Take heed, therefore, my son, to such Puritans, very pests in the church and commonweath, whom no deserts can oblige, no oaths or promises bind; breathing nothing but seditions, calumnies; aspiring without measure, railing without reason, and making their own imagination (without any warrant from the word) the square of their conscience; ye shall never find with any Highland or Border thieves greater ingratitude, and more lies and perjuries, than with those fanatic spirits.'—Calderwood's *Church Hist.* 256, 418. Spotswood's *Hist.* 456, 468. MSS. State Paper Office. Domestic Series, vol. i. No. 84. Chamberlain's *Letter*, March 30, 1603.

welcome than these passionate utterances; to another, nothing could more certainly foreshadow evil to come.

The millenary petition.

But the misgiving thus raised did not deter the Puritans from submitting their grievances and wishes to his majesty's consideration. The petition they presented had received between eight and nine hundred clerical signatures. The number would have been much greater had it not been thought that evil might follow from delay. The document had not been sent to more than about half the counties of the kingdom. James treated the petitioners respectfully, and promised that a conference should be speedily arranged to deliberate on the points set forth as needing revision. Somewhat more than six months passed, however, and the expected meeting was still postponed. In the meanwhile, a proclamation was issued which prohibited all writing or petitioning on the subject of reforms in religious matters, on pain of his majesty's displeasure. Oxford and Cambridge, too, made themselves heard in this controversy. The former denounced the changes proposed in the Puritan petition, as tending to anarchy, and as inconsistent with the obedience due 'to the supereminent 'authority always pertaining to the royal person of a 'king.' Cambridge would deprive any man impugning either the discipline or doctrine of the church of England of any degree he may have received from her hands.*

What were the contents of the instrument which had provoked so much displeasure? The petitioners commence by protesting against being accounted disorderly or disloyal in what they do. They pray that certain things connected with the worship and discipline of the church, the manner of appointing its ministers to their cures, and the qualifications of persons called to that office, may be reformed. Concerning baptism, it was urged that it should no longer

* Neal's *Puritans*, ii. 5, 6.

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be administered in any case by women; and that the sign of the cross, and the questions usually put to the infant, should be dispensed with. Exception was taken to the use of the ring in marriage; to the continuance of the rite of confirmation; to the reading of lessons from the Apocrypha in the public service; to the wearing of the cap and surplice; to the practice of bowing at the name of Jesus; and to the encouragement given to the observance of holidays. The petitioners desired to see the sanctity of the Lord's day more strictly enforced. The church service they thought might be abridged with advantage. The psalmody might be much improved. Non-residence should be made unlawful. Every clergyman should be a person capable of preaching, and be so employed, at least once on the Lord's day: and clerical subscription should be a subscription to the Articles of Religion, and the article touching his majesty's supremacy, and should not extend to the offices of the church. In conclusion, some reform in the law recognised in the ecclesiastical courts, and in the manner of proceeding in those courts, was mentioned as desirable.*

Such were the reforms to which the two universities opposed themselves with so much decision and so much warmth. It will be seen that they were singularly moderate, if compared with the changes which had been insisted on by the same party some twenty years before. The substance of them might have been ceded with perfect safety, and the party might thus have been bound to silence, at least through another generation. But this was not the course to be taken.

The Hampton Court conference.

When the time for holding the long-expected conference arrived, the place of assembling was Hampton Court, and a day was occupied by the king and the prelates in discussions preliminary to their meeting

* Strype's *Annals*, iv. 327. Neal, ii. 6, 8.

with the Puritan ministers. On that day James chose to reason at some length on the side of the Puritans, to the great dismay of the bishops. Their lordships at length threw themselves upon their knees before his majesty, beseeching that no change might be made; as the effect of any surrender would be to confess that in the past controversies on such matters the Puritans had been in the right, and the church and the government in the wrong. During three centuries from the accession of Elizabeth, this was to be the real, and the great, if not the avowed, reason opposed to all progress in the direction of a purer Protestantism. To concede anything has been construed as a confession of defeat, and concession accordingly has not been made. James was of the same mind with their lordships, though the royal theologian chose, we are told, to gratify his humour for the moment by 'playing the 'Puritan.'

On the following day four Puritan ministers, selected by James himself, were opposed to nearly twenty prelates and other dignitaries, besides the members of the council, and a crowd of courtiers, his majesty being seated as moderator. The account of this conference published by Dean Barlow, from which all subsequent descriptions of it have been taken, has evidently—to use the language of Fuller—'a sharp 'edge on one side.'* Either the published report is not trustworthy, or the Puritans, so outnumbered and browbeaten, were so much abashed as not to have done justice to their cause. Something was said, it seems, in favour of the meetings of the clergy called 'prophesyings,' which Elizabeth had so resolutely suppressed, upon which his majesty interrupted the discussion by exclaiming, 'If you aim at a Scotch 'presbytery it agrees as well with monarchy as God 'with the devil.' The Puritans having acknowledged the ecclesiastical supremacy of the crown, James

* *Church Hist. Phœnix Britannicus.* Winwood's *Memorials*, ii. 15.

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began to discourse on that subject, and turning to the bishops his majesty touched his hat and said, 'My 'lords, I may thank you that these men plead for my 'supremacy. They think they cannot make their 'party good against you but by appealing to it. But 'if once you were out and they were in, I know what 'would become of my supremacy—for no bishop no 'king.' James did not see how completely this language betrayed the source of his ecclesiastical preferences: and was as far from seeing in its true light the coarseness and insolence of his conduct on that memorable day. It was not without reason that the old courtier, Sir John Harrington, described his majesty as using 'upbraidings' rather than arguments. 'He told them,' said Sir John, 'that they wanted to 'strip Christ again, and bid them away with their 'snivelling. The bishops seemed much pleased, and 'said his majesty spoke by the power of inspiration. 'I wist not what they mean—but the spirit was 'rather foulmouthed.'* In conclusion, the king, turning to Reynolds, the most considerable of the Puritan clergy present, said, 'If this be all your 'party has to say, I will make them conform them-'selves, or else hurry them out of the land, or do 'worse.' Bishop Bancroft said the world had not seen such a king since Christ's time. Whitgift was sure that his majesty had spoken by the spirit of God. Chancellor Egerton was amazed to see the king and the priest so wonderfully united in the same person.

Effect of these proceedings.

But the end was still to come. Within a few weeks every Puritan fireside in England would become acquainted with what had been said and done by the king in this long-expected meeting. A tone would thus be given to the preaching in every Puritan pulpit, and to conversation in every Puritan gathering. The king has taken his own mode of telling his Puritan subjects, that in his estimation, they are im-

* *Nugæ Antiquæ*, i. 181.

beciles, hypocrites, and covert traitors. Warned thus against cherishing the slightest hope of favour from the court, it became these people to see what footing they might be able to obtain in parliament: and James was to find that the party which seemed to be so weak at Hampton Court as to lead him to think it might be insulted with impunity, was to become so strong in the house of commons as to be his vexation and his fear to the end of his days.

Persecution of the Puritans.

But for a while his majesty's threat of severe treatment proved a reality. The bishops were enjoined to cleanse the church of the disaffected. More than three hundred clergymen were deprived of their livings, on the ground of being more or less nonconformists. Many more were severely harassed. The patrons of the sufferers among the local gentry were rebuked, summoned before the Star Chamber, and deprived of their offices as magistrates and lieutenants of counties. But the number of the persons liable to proceedings of this nature proved to be so great, that the government deemed it wise to exercise more forbearance than had been at first contemplated.*

To the end of this reign the Puritans were divided into two classes—those who limited their objections to certain ceremonies, and those who would have vested more of the government and discipline of the church in the hands of the ministers and of the people. Both acknowledged the ecclesiastical supremacy of the crown, but both restricted that supremacy to the

* Winwood's *Memorials*, ii. 48. On these proceedings, Hatton, archbishop of York, expressed himself as follows:—'I have received letters from your lordship, and others of his majesty's most honourable privy council, containing two points—first, that the Puritans be proceeded against according to law, except they conform themselves . . . . . The Puritans, whose fanatical zeal I dislike, though they differ in ceremonies and accidents, yet they agree with us in substance of religion, and I think all, or most part of them, love his majesty and the present state.'—Ibid. 40.

enforcement of matters described as in accordance with the teaching of Scripture, and both reserved to the individual conscience the right to determine for itself what that teaching is. But to secure harmony between the state conscience as acting through a state church, and the individual conscience as thus acting for itself, must ever be to a large extent impossible. It is easy to see in the antagonism thus arising, the source of not a little of the restlessness and change which are to follow.

Constitutional ground taken by the Puritans.

It was a great maxim with the Puritans, that nothing can be law in England except as made to be such by act of parliament. The Court of High Commission, and even the Houses of Convocation, possessed, in their estimation, no legislative authority. Ecclesiastical canons were to them a nullity without the sanction of the legislature. Even the canons of 1604 were not, in their view, binding, inasmuch as, though approved by the crown, they had never been sanctioned by a statute. Prosecutions founded on such pretended law they described as unlawful.*

James obtains an unconstitutional opinion from the judges.

James knew such talk to be common, and was much displeased by it. For the purpose of putting an end to uncertainty on this important question, his majesty summoned the judges and law officers to meet him in the Star Chamber, where inquiries bearing on this point were submitted to them. The lords of the council, it appears, felt no scruple in raising the prerogative to almost any height on such matters. The

* Lord Burleigh could show how this matter stood under Elizabeth, very clearly, when occasion required it. Writing to his son, Sir Robert Cecil, he says, 'The allegation of the Popish ministers in Paris, noting that her majesty did promise favour, and afterwards did show extremities to the Catholics, is false. For her majesty, at her entry, prohibited all change in the form of religion as she found it by law; and when by law it was otherwise ordered by parliament, she did command the observation of the law newly established, punishing only the offenders according to law. So her majesty's actions are justifiable at all times, having never punished any evil subject but by warrant of law.'—Murdin's *State Papers*, 666.

judges, and especially Coke, the attorney-general, pleaded for the supremacy of the law.* But in the end, it was affirmed by a majority, that the king might give the authority of law to regulations for the government of the church, and that the royal commissioners might be required to see them enforced. It was also declared, that persons framing petitions to the king, procuring signatures to them, and stating therein that many thousands of his majesty's subjects would be discontented if the suit of such petitions should be denied, might be adjudged guilty of an offence approaching very nearly to felony and treason.† So his majesty was empowered to legislate, to punish, and to doom his victims to silence, whatever might be their sense of injury. It is not easy to say whether the infirmities in the character of the sovereign, or such stretches of his kingly power, did most to lower the feeling of royalism in England in those days. Assuredly, to be obliged to listen to such pretensions as coming from such a quarter, must have been felt by not a few as a deep humiliation.

Whitgift, Bancroft, and Abbot.

In 1603, Whitgift was succeeded in the see of Canterbury by Bancroft, a passionate and intolerant man, and a bitter enemy to Puritans and Separatists. During the next seven years the new primate allowed no rest to those parties. In general, the Puritans

* The canons of 1604 declared, that any man who should question the authority of that assembly as representing the church of England; should declare clergy or laity to be exempt from its control; should describe the church as being not 'apostolical,' or the Book of Common Prayer as containing 'anything repugnant to Scripture'—should be excommunicated. And the excommunicated person was not only excluded from the communion of the church, but was made incapable of suing for his lands or debts, of serving on juries, or of giving evidence as a witness. But the courts of law did not own any secular authority as belonging to these canons, and often issued their prohibitions to protect the subject against the civil consequences of such spiritual censures. Coke understood these matters, and with all his faults was commonly on the side of English law and English right.

† Winwood, ii. 44. Dalrymple's *Memorials*, i. 22-25. Neal, ii. 35-37.

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were constrained to conform; but they ceased not to discuss their differences with their opponents, both from the pulpit and the press, and, as may be anticipated, the grounds of debate were rather widened than narrowed. In 1610, Bancroft was succeeded by Abbot, a man of another order.

Revised translation of the Bible.

One good result followed from the conference at Hampton Court. It was urged there by the Puritan ministers that measures should be taken to secure a carefully-revised translation of the Bible. The suggestion found favour with the king, and our present version was completed in 1611. In many particulars the translation has the ecclesiastical tinge to have been expected. But the influence of the book on the language, the literature, the thought, and the piety of Englishmen, has been such as to fix a strong impress on our national character.*

The king's proclamation in favour of Sunday sports.

Along with this measure, however, came another of a very different description. The great majority of the gentry and magistrates through the kingdom were more or less friends to the Puritan clergy; and, influenced by their spiritual instructions, had been disposed to enforce a somewhat strict observance of the sabbath. The king, and certain of the clergy who were most about him, were by no means pleased with these proceedings. Romanists, it was said, described the Protestant religion as gloomy and unsocial, and these rigid customs contributed to justify them in such misrepresentations. His majesty accordingly issued a proclamation, requiring that when the church service had closed, persons should not 'be 'discouraged from any lawful recreations, such as

* Collier's *Eccles. Hist.* ii. 692-694. Lewis's *History of Translations.* The conduct of the king in this matter was highly commendable. He wrote to the archbishop of Canterbury and York, and to the universities, that the services of the most competent men might be secured, and that the patronage of the church might be so exercised as to confer an adequate compensation upon them for their labours.—MSS. State Paper Office. Domestic Series, vol. viii. No. 117; xiii. No. 73.

'dancing, either of men or women, archery for men, 'leaping, vaulting, or any such harmless recrea- 'tion, nor having of May-games, Whitsun-ales, or 'Morris dances, or setting up of May-poles, or other 'sports therewith used, so as the same may be had in 'due and convenient time, without impediment or 'let of divine service.' The sports pronounced unlawful on the Lord's day were bear-baiting and bull-baiting. By the Puritans, both ministers and laymen, the proclamation was regarded as a licence from the throne to desecrate a sacred institution. Many, too, who were not Puritans, thought very much with those who were, on this point. Royalty as thus associated in the popular mind became royalty falling far below its proper place.*

The universities were in a condition to give much satisfaction to his majesty. From a contemporary, resident for some years in Cambridge, we learn that in that ancient school of learning there was no departure from orthodoxy. The novel ceremonies which were to occasion so much angry discussion in the next reign had not yet made their appearance; and the tide against Puritanism which began to set in some time before the death of Elizabeth, continued to flow on. The course of study was in every way conservative and venerable, the class-books being mostly such as have fallen long since into a very natural oblivion. Logic was studied from treatises by Seton, Kerkerman, and Molineus. Physics were investigated with the aid of Aristotle and Magirus. In Roman history, Florus seems to have taken precedence of Livy and Tacitus. Horace was not forgotten, but ranked on the shelf of the student with the Saturnals of Macrobius, and the moral philosophy of Picolomineus. Dr. Downes, indeed, lectured with much applause on the orations of Demosthenes; and with the help of 'problems, sophisms, declamations, and other scholastic

The universities.

* Collier's *Eccles. Hist.* ii. 711, 712.

'exercises,' the student who *would* work might work to some effect, much as the student who coveted thoughtful companions might find them by making some effort for that purpose. 'But the main thing,' says our authority, 'which made me even weary of 'the college was, that swearing, drinking, rioting, 'and hatred of all piety and virtue under false and 'adulterate nicknames, did abound there, and gene-'rally in all the university—so that I was fain to live 'almost a recluse's life, conversing with some of the 'honester fellows in our own college.'* What was thus said of Cambridge might no doubt be said in substance of Oxford. Both, if always more or less behind the age, have always been more or less characterised by it.

Foreign policy of James I.

While the domestic policy of the king was thus exceptionable, his foreign policy was as little satisfactory. It was unsatisfactory, not only to the Puritans, but, for the most part, to all sound Protestants. It had no religious principle—no nationality. Under Elizabeth our country was everywhere the ally of Protestantism, and everywhere the foe of Spain. But James was jealous of the high reputation of the late queen, and was disposed to pursue a path of his own. It was well known also that the king was no man of war, and so far as he could prevent it, England was not to be any longer warlike. Spain, in his view, had been the friend of his mother; and it was doubtful if the people of the Low Countries, and even the French Protestants, should not be disowned as rebels. Moreover, the powers exercised by the kings of France and Spain were high and arbitrary, and as such were the type to which his majesty would fain have had his own sovereignty assimilated. Hence the vanity of James and of the queen prompted them, even at the hazard of placing the English crown on the brow of a Catholic, to covet a marriage for the heir-apparent

* Sir Simonds D'Ewes' *Autobiography*, i. 120-147.

with the old Catholic dynasties, in preference to any of the families at the head of the Protestant states, whether in Germany or in the north. The pride which feels that it can impart dignity, and therefore need not seek it, was not among the qualities possessed by these royal persons.

The Spanish match question.

So early as 1606, there was court talk about a marriage between the prince of Wales and the infanta of Spain. The treaty, which was at length adjusted, promised, with the princess as the wife of prince Henry, an annual pension of a million of ducats, and a considerable portion of Flanders. It also flattered the vanity of James, by devolving on him the office of arbitrator concerning such theological differences as should arise between the nations of Europe. In return, it was stipulated that the English monarch should aid his Catholic majesty in his efforts to chastise the Protestant states of the Netherlands. This Spanish match question extended, in one form or another, through nearly the whole of this reign. What was known concerning it, was enough to generate strong suspicion in relation to what was unknown. The want of sagacity, of principle, and of true English feeling, betrayed by this policy, filled the mind of the nation with distrust of its sovereign, and lodged in it the conviction, that with such a prince upon the throne, if the country was to be secure, a firm restraint must be laid on the power of the crown. It was seen that nothing was farther from the restless and narrow thinking of the king, than that England should become conspicuous in antagonism to the Catholic powers, and least of all to the power of Spain.

Wide was the distance in this respect between the heart of the English king and that of the English people. Nothing is more observable during the whole of this reign than the intense feeling of interest with which everything relating to the cause of Protestantism on the continent was regarded by

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the mass of the people, and by the parliaments representing them. Such a king might continue to reign over such a nation, but it was inevitable that it should be with diminished power from year to year. In one of his own writings, James had not scrupled to describe a king as a person 'above the 'law,' submission to such authority on his part being purely 'for good example giving.' Similar language occurs in his *Basilicon Doron*; and, writing to Cecil, his majesty says, 'For my part, I hold it the office of 'a king, *as sitting upon the throne of God*, to imitate 'the *primum mobile*, and by his steady and ever-con-'stant course to govern all the other changeable and 'uncertain motions of the inferior planets.'* Englishmen might boast of rights and liberties, but whatever they possessed of that nature had come to them by 'permission and grace from his majesty's predecessors.' The French ambassador, writing to his master, Henry IV., says, 'James said to me, your majesty and he 'were absolute monarchs in your dominions, and in 'no respect dependent on the councils or consent of 'subjects.'†

Such ideas would have been little favourable to the increase of monarchical power if they had been kept secret. But as thus avowed, their natural effect was to awaken jealousy, and to call forth a vigilant and organised resistance. On his accession, James lost no time in concluding a peace with Spain, and in avowing a policy the tendency of which was to dispose Englishmen to think only of themselves, and to become wholly indifferent to the struggles going on in Christendom, whatever might be the interests or principles involved in them.

The princess Elizabeth and the elector.

In 1612, the princess Elizabeth, the king's only surviving daughter, became the wife of the elector palatine. As a Protestant match this marriage was

* Birch's *Memoirs*, ii. 315. Weldon, 11, 12.

† Beaumont's *Despatches*, May, 1603.

highly popular. But the queen and her friends had discountenanced the proposal. Her majesty, indeed, was known to have spoken of the prince as 'Goodman Palsgrave;' and it was left to the young elector, by the advantages of his person, and by his address and good sense, to remove this unfavourable feeling. All our histories relate how the elector was induced by the Protestants of Bohemia to accept the sovereignty of that kingdom, to the exclusion of the Catholic pretender, Ferdinand of Gratz; how, in place of finding himself strong enough to retain that elevation, the unfortunate prince was soon deprived by the confederate Catholic powers of his patrimonial possessions, and driven into exile; and how James grieved and irritated his subjects by his oscillations on this question—now promising to assist his son-in-law, and now describing him as a usurper who deserved no assistance, and should have none. When the parliament of 1621 ventured to urge that the wife of the heir apparent should be a Protestant, his majesty answered, that he would have those 'fiery popular spirits 'who presumed so far, to know, that as to marrying 'his son to some Protestant—he would not say prin-'cess—he had only to affirm, that he knew of no one 'fit for him.' So did our first Stuart sovereign pour the most open contempt on the crowned heads of Protestant Christendom.*

Sir Walter Raleigh.

Cecil was the only man of the court faction opposed to the late earl of Essex who won the favour of James on his accession. The earl of Northumberland, lord Cobham, and Sir Walter Raleigh were all under a sort of banishment from the court, as being men of that party. Overshadowed and wronged as they deemed themselves by Cecil, these persons, no doubt, used their influence in relation to court affairs, and probably in relation to the French ambassador, in the hope of being able to diminish the power of the successful minister,

* *Parl.* i. 1123-1127.

and to push their own fortune. But it does not appear that they were chargeable with anything to which the name of treason should have been attached. Nevertheless, they were arrested, tried, and condemned as traitors.* The proceedings against them were of so doubtful a nature that their lives were spared. Raleigh remained a prisoner in the Tower. Through thirteen years that high and daring spirit was confined within those gloomy walls. At the close of that period, Villiers, then the rising favourite, was persuaded by a heavy bribe to intercede in his behalf. Raleigh was, in consequence, set at liberty.

Elizabeth gave Raleigh her sanction in prosecuting several voyages of discovery, and in 1695 encouraged his attempt to reach the great empire of Guiana, as it was called, situated, as was then supposed, on the banks of the Oronoko. This expedition was so far successful, that the Englishman penetrated large territories unexplored by Europeans, and took formal possession of them in the name of his sovereign. Raleigh had found means to continue his correspondence with the chiefs of those distant regions from the walls of the

* The elaborate version of this affair given by Cecil in his letter to Sir Thomas Parry is entitled to little credit. The MSS. in the State Paper Office, Domestic Series, contain many documents relating to it; but the enmities of Cecil and of Sir Edward Coke were so mixed up with these proceedings, that they all require to be read with caution, vols. i.—iv. The charge against Raleigh was 'a practice between him and Lord Cobham to have brought in the Spaniard; to have raised rebellion in the realm by distributing money among the discontented; to have set up the Lady Arabella, and to have tied her to certain conditions, such as to have a perpetual peace with Spain; not to have bestowed herself in marriage but at the direction of the Spaniard; and to have granted liberty of religion.' Raleigh was a man of more genius than principle; but nearly all these charges confute themselves: to his intelligence, their absurdity must have been patent at a glance. Nor could anything be more at variance with his prepossessions than such a policy. The same writer adds: 'The evidence against him was only Cobham's confession, which was judged sufficient to condemn him,' though he produced a letter written by this same Cobham, and which 'had been delivered to him in the Tower, by which he was clearly acquitted.'—Carleton's *Letters*, Nov. 27, Dec. 11.

Tower; and while a prisoner, had solicited, but in vain, for permission to visit them. When restored to liberty, the project of such a voyage increasingly occupied his thoughts. James, partly under the advice of influential persons, but chiefly in the hope that a gold mine, said to have been discovered, might afford a seasonable aid to his necessities, was led to confer a reluctant sanction on the enterprise. Among the friends of Raleigh in this undertaking were the earls of Pembroke and Arundel, and secretary Winwood. The last, one of the most sober and honest men of his time, mentions the pleasure with which he had obtained the royal signature to the requisite commission. The notion that the sole object of this expedition was plunder, and not settlement, is refuted by the fact that Raleigh embarked in it the 8000*l.* which he had received as a pretended compensation for his estate at Sherborne, and 2500*l.* furnished by lady Raleigh, as the price of an estate which she disposed of at Micham.

The great perplexity of James arose from the fear of exciting jealousy in the Spanish cabinet, and so of frustrating the match which he had become increasingly anxious to see realized between his son Charles, now prince of Wales, and the infanta. Gondomer, the Spanish ambassador, was eminently qualified for the service to which he was appointed, which was to dupe the king by every available artifice, and to bribe his ministers to any amount that should be necessary. With such a sovereign, a policy of that kind was found to be much more advantageous than the fomenting of domestic treasons, or the fitting out of armadas. Every man knew that the influence of this dangerous person over the king was almost unlimited. His wit, his gaiety, his skill in administering his flatteries, made him a welcome guest at the royal table, and secured him an acquaintance with everything it was important he should know—or rather that he should not know. Gondomer obtained from James the fullest information concerning the intended voyage. Through Madrid

the ambassador called upon the Spaniards in the neighbourhood of the supposed mine to put themselves in readiness, that so a summary punishment might be inflicted on men, who, under pretence of a mining adventure, meditated nothing better than acts of piracy and rapine.

Nearly twelvemonths had passed since the grant of this commission, when Raleigh sailed with a fleet of fourteen armed vessels from Plymouth. After an unfavourable voyage of four months he came within sight of Trinidad. Two vessels had foundered; Raleigh, in common with many of his followers, was wholly disabled by sickness. Five boats, each containing fifty armed men, were sent up the Oronoko, under the command of Raleigh's nephew, and the conduct of captain Keymis—an officer who professed to have discovered the alleged gold mine, by the aid of a native, in a former voyage.

It is now to be observed, that, in the path leading to this supposed mine, the Spaniards, since the territory had been taken possession of by Raleigh, had built the small town of St. Thomas. The instructions given to his nephew and Keymis were, that they should proceed directly to the mine, and not molest the Spaniards, unless hostilities should be commenced by them. The Spaniards, faithful to the orders which had been issued by his Catholic majesty, paid no regard to the pretensions of the English as the discoverers of that country. They commenced a merciless attack on the strangers under cover of the night. The courage of the English officers saved the greater part of their followers, and pursuing their advantages, they reached St. Thomas, and captured the town. But in this conflict, and by means of a subsequent ambuscade, considerable loss had been sustained; while the Spaniards, disposing themselves with advantage at different points on the road, seemed to render all further advance impracticable. The town was in consequence destroyed; and Keymis returned to Raleigh,

not only to report the failure of the undertaking, but to announce the death of his son, who had fallen in the taking of St. Thomas.

Raleigh's sorrow and wounded feelings on receiving these tidings were hardly to be described. Subordination among his followers soon came to an end. Nothing remained but that he should direct his course towards England. Before his arrival, Gondomer, whose brother had been killed at St. Thomas, stormed before the king against what had been done. To amity with Spain, a signal punishment of the pirates and murderers was declared to be indispensable. James and Buckingham were filled with alarm, and promised everything. Soon after his landing, Raleigh was arrested, and put upon his trial. The most unscrupulous means were resorted to in the hope of finding grounds of accusation against him in his recent proceedings. But the result was not satisfactory. Great as would be the odium inseparable from such a course, it was decided that he should die in pursuance of the sentence passed upon him fifteen years since. Raleigh pleaded that if that sentence had been accounted just it surely would not have been so long suspended; that since that time the king had given him a commission in which he had been described as a 'loyal 'subject,' and vested with a power of life and death—a commission that could never have been issued to a man accounted a traitor, and himself dead in law. But neither reason nor law availed him. Evidence by implication, it was said, could not be admitted in cases of treason. The prisoner was admonished to prepare for death; and to avoid the remonstrances which such a sentence would not fail to call forth, it was resolved that he should die at eight o'clock the following morning.

During this short interval, the injured man attended in a becoming manner to his religious duties. The courage which had distinguished him through life, did not fail him in his last hours. As he left the Tower,

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he saw that his old friend, Sir Hugh Beetson, was not allowed to go near the scaffold; and bidding the knight farewell, he said, 'I know not what shift *you* will 'make, but I shall be sure to have a place.' An old man, bald, and uncovered, pressed eagerly through the crowd. Raleigh observed him, and said, 'Wouldst 'thou have aught of me?' 'Nothing,' was the reply, 'but to see thee, and to pray God to have mercy 'on thy soul.' 'I thank thee, good friend,' said Sir Walter, 'and I am sorry I have no better thing to 'return for thy good will; but, here,' he added, 'take 'this cap'—removing a rich one from his head—'for 'thou wilt have more need of it now than I.' When he came to the scaffold, he addressed the people with great clearness and firmness, denying especially the accusations that had been urged against him by Sir Lewis Stukeley, to whose charge he had been committed since his arrest. As he laid his head upon the block, he was reminded that he did not look, as was usual, towards the east. 'No matter,' was his answer, 'how 'the head lies so the heart be right.' The people were deeply moved. They heard his firm call to the headsman—'Strike, man!' At two blows the head fell to the scaffold, and a voice from the crowd exclaimed —'You have not such another head to cut off!'

The most detested man in England at that moment was Sir Lewis Stukeley. He vowed to the king that Raleigh had lied in his last moments. 'Let 'the king believe me,' said Sir Thomas Badger, 'when 'I say, that I would accept a bare affirmative from 'Raleigh, before a thousand of such a man's oaths.' Stukeley subsequently complained to James of the contempt which had been cast upon him by the lord admiral. 'What wouldst thou have me do?' said the king. 'Wouldst thou have me hang him? On my 'soul, if I should hang all who speak ill of thee, all 'the trees in the country would not suffice for that 'purpose.' The end of Stukeley, and very soon after, was to be sent to jail, along with a perjured apothe-

cary, who had been his instrument, on the charge of clipping the king's coin. James reminded the cabinet of Madrid, that he had incurred all this disaffection purely to please them. 'The justice of England,' said justice Gawdy, 'had never been so degraded and injured as by the condemnation of Sir Walter Raleigh.'*

Government in Ireland.

In this reign the government acquitted itself much more creditably in Ireland than in England. By this time, the mind of the Irish Catholics had become somewhat familiar with the notion that civil obedience might be a duty, even though the sceptre should be swayed by a heretic. James, moreover, had not been excommunicated, and was a descendant, through the line of Fergus, from the ancient kings of Erin. The penal laws against Romanism were not less severe in Ireland than in England, but the administration of them was more attempered by circumstances. James, under the guidance of some sober and wise men, introduced laws which connected more adequate penalties with offences, which empowered the possessors of property to dispose of it by will, in place of being obliged to leave it in equal portions to their children; and which substituted a fixed payment in money, in lieu of the regular exactions in produce made by the landlords. The result of these innovations was most salutary. By the attainder of rebel chiefs, nearly the whole of the large province of Ulster had fallen to the crown. Settlers from England and Scotland, were encouraged to purchase estates in the hill districts, forming the fast-

The penal laws, &c.

* Made Chief Justice in 1603. Chamberlain's *Letters*, Oct. 31, 1618. MS. State Paper Office. Rev. T. Larkin's *Letter*, Nov. 3; ibid. Jan. 12; Feb. 16, 1619. Jardine's *Criminal Trials*, i. 519, 520. Mr. Jardine's volume will enable the reader to correct the perversions of Hume and Lingard on this subject. The taking of St. Thomas, for instance, is described by Dr. Lingard without the slightest allusion to the night attack by the Spaniards which preceded it. Cayley's *Life of Raleigh*. Tytler's *Life of Raleigh*. Rushworth, i. 9. Howell's *State Trials*, ii. 33 et seq. It turns out that the 'Declaration' issued after the death of Raleigh, and said to have been 'subscribed by six privy counsellors,' was never so subscribed.—*See* Jardine.

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nesses of the country; the natives were disposed of in small holdings in the plains, and thus a wholly new order of things was established, the effect of which has been to make the north of Ireland what it is at this day as compared with the south. But the measures of the government in the other provinces, especially those which led to an investigation of title, fell into bad hands, and raised bitter discontent.*

Policy of James towards Scotland.

We can commend much in the policy of James towards Ireland; we can commend scarcely anything in his policy towards Scotland. As the effect of much artifice and violence, the thirteen ancient bishoprics of Scotland were revived, were endowed from the old church lands, and the new bishops had the machinery of two ecclesiastical courts placed in their hands. But all this was purely the work of the king, and most alien from the mind of the people. The effect of these measures was that bitter resentment on the part of his countrymen which James was to bequeath to his successor.†

* Of the difficulty which beset the government in their transactions with the Irish people in this age, some judgment may be formed from what we know of the proceedings of parliament in 1612. Twenty-seven years had then passed since the last Irish parliament was dissolved. When the knights and burgesses of the lower house assembled, the government, after the custom of those times, named the person to be chosen as speaker. But to Sir John Davis, the attorney-general, who was thus nominated, the disaffected party opposed Sir John Everard, and insisted that he should take the chair without the formality of a division. They would neither 'number' nor be numbered.' They even went the length of placing the man of their choice in the chair by force. Their opponents, who were about thirty in majority, insisted that Everard should vacate the chair; and as he refused, they first thrust Sir John Davis into his lap, and after detaining him there some time, succeeded in thrusting Everard from the seat, giving it to Mr. Attorney. This was done, says one who was present, in the face of such loud outcries as 'could not be expressed.' The lord deputy summoned the members to attend on a given day on important business; but they heeded not his summons, having determined, it was said, to rule, though a minority, or 'to stop all proceedings' by refusing to attend.—Ellis's *Letters*. Third Series, iv. 174-180. Sir John Davis's *Discovery*, 167-268. Leland's *Hist. of Ireland*.

† Spotswood, *Hist.* 337 et seq. Dalrymple, i. 84-93.

The matters which have thus far passed under review, embrace some of the most observable characteristics of the reign of James I.; and they are matters which serve to prepare us for one result. It will have been seen, that in nearly all these circumstances, there is a marked tendency to detract from the reputation and influence of the crown. The language of public men, and of the people, is still loyal; but it is a loyalty to the kingly office—the person sustaining that office is not an object of reverence, not even of ordinary respect. How this change in the national feeling operated in relation to the constitution, is manifest in every stage of our parliamentary history during this reign.

First parliament, March 19, 1604.

A few weeks subsequent to the meeting at Hampton Court, and twelve months after his accession, James met his first parliament. This delay had been in consequence of a pestilence which had continued to ravage the metropolis and its neighbourhood. On this account, the court had been removed to different places. In the proclamation issued to convene the great council of the nation, his majesty betrayed the same imprudence, and the same arbitrary temper, that had been so conspicuous in his recent conference with the Puritan ministers. James not only took upon him to school his subjects concerning the sort of men that should be chosen, and the manner in which elections should be conducted, but assumed that it pertained to himself to exclude decayed boroughs from the privilege of sending representatives, and to judge concerning the validity of the returns that should be made. It was one of the evils resulting from the inordinate vanity of this monarch, that however great the folly he might be disposed to perpetrate, there was scarcely a man near him who would venture to question its wisdom.

The king's speech.

When the two houses were assembled, James congratulated them on the pacific relations, and internal tranquillity of the country, and on the prospect afforded by his appearance among them of a more intimate connection between England and Scotland. But the great

security to a prosperous state would be found in concord on the subject of religion. It was observed by those who listened carefully to his majesty's words on this last topic, that while the Puritans were denounced as a sect not to be endured, the church of Rome was described as our mother church, though defiled with some corruptions; and that the sovereign would be willing—was even anxious, 'to meet that church in 'the midway, so that all novelties might be removed 'on either side.'* In conclusion, the king gave the house the significant intimation, that it would be more profitably employed in looking to the due execution of old laws than in devising new ones.

James will not see the Puritans to be formidable.

It is manifest from the tenor of this speech, that notwithstanding the number of clerical signatures attached to the Puritan petition which had been presented to his majesty, and the sympathy with that body otherwise observable, the king still persuaded himself that they would not be found to be very formidable. His majesty was hard to be convinced on this point, and when the evidence became irresistible, it was not in his nature to profit by the discovery.

Address of the commons.

The address of the commons by their speaker, was so framed as to declare explicitly the just authority of parliament, and to point out the limits imposed by the constitution on the power of the crown. 'By the 'power of his majesty's great and high court of parliament only,' said that officer to the king, 'new laws 'are to be instituted, imperfect laws reformed, and 'inconvenient laws abrogated, whose power therein is 'such and so absolute that no such laws can either 'be instituted, reformed, or abrogated, but by the

* In a petition presented by the English Catholics to the king in 1603, they describe the community as consisting of Protestants, Puritans, *Atheists*, and Catholics. MSS. State Paper Office, Domestic Series. They pray for toleration by law, or connivance in private if not publicly. Next year they deprecate the persecution with which they are threatened, and offer to renounce the doctrine of the power of the pope over kings.—Ibid. viii. No. 125. But, in reality, they were much divided on that point.

'unity of the commons' agreement, the lords' accord, 'and your majesty's royal and regal assent.'* So the struggle between the crown and the people under the house of Stuart, may be said to have had its beginning from the moment they were brought together. The commons were not ignorant that the practice of the English government, and that down even to very recent times, had been too frequently arbitrary and tyrannical. But they were no less sensible that such practices were generally contrary to law; and their great purpose from this juncture was, to resist all such outbreaks of power by a more determined appeal to the statutes which had been framed by a provident ancestry to prevent them.

The house claims to be judge in disputed elections. March 22.

The first formal dispute between the commons and the crown related to the right of the house to judge exclusively on all questions pertaining to the election and eligibility of its members. The king, in his recent proclamation, had enjoined that no outlaw should be returned. Sir Francis Godwin, member for the county of Buckingham, was rejected on that plea by the clerk of the crown; and a new writ being issued, Sir John Fortescue, a member of the council, was returned in his room.† But the commons insisted that the decision in such cases rested wholly with their house; and having examined the case of Godwin they declared him duly elected and eligible.

James flies to the judges.

James fled to the judges, as the interpreters of the

* *Parl. Hist.* i. 989.

† The following entry of proceedings in the lower house in 1562, will show the usage of parliament in such instances at that period. 'John Smith returned burgess for Camelford, upon a declaration of Mr. Marsh, that he had come to this house, being outlawed, and also had deceived divers merchants in London, taking wares of them to the sum of 300*l.*, minding to defraud them of the same, under the colour of the privilege of this house. The examination hereof committed to Sir John Mason and others of this house, was found and reported to be true.' But though the fact of outlaw, and the intention to defraud, were 'reported to be true,' John Smith retained his seat by a majority of 112 to 107. *Parl. Hist.* i. 677. In the space between 1562 and 1604 usage had given greater stability to this privilege.

law. But the commons protested against any appeal from the makers of the law, to functionaries whose office, as the mere administrators of the law, was subordinate to their own.* After much altercation, it was agreed that both Sir Francis Goodwin and Sir John Fortescue should be passed by, and a new writ issued. But as the king ceded that 'the commons were a court 'of record, and a judge of returns';' and as the new writ was issued by the house, and not by the crown, the result was a victory on the side of the people. From this time the right of the commons to be the sole judge in disputed elections has never been questioned.

Projected union with Scotland.

The king's project of a union with Scotland found little favour in the parliament or the nation. Commissioners were appointed; but a book published in support of the measure by the bishop of Bristol was denounced by the commons as containing 'sundry 'slanderous passages, tending to murmurs, distraction, 'and sedition,' and as intended to foster a prejudgment of the question. The author, who probably meant little more than to commend himself to the favour of the king, was obliged to appear at the bar of the house, and to confess himself penitent for his offence.

The house and the bishop of Bristol.

Irregular action of crown and parliament.

We shall have frequent occasion to notice the conduct of parliament in claiming a jurisdiction after this manner over matters which seem to be beyond its province; and also the practice of the court in appealing from the authority of parliament to the opinion of the judges. In regard to this usage of the parliament, it is to be observed that it embraced the only means possessed by the Puritan and popular party of

* The house stated, in its defence, that in the memorable case of Sharpe, which happened in the time of Henry VI., the judges being asked their opinions by the lords, answered in these words:—'It has not been used before time, nor becomes it us to determine matters concerning the high court of parliament, which is so high and mighty in its nature, that it is judge of the law, and makes that to be law which was no law, and that to be no law which is, and the determination of its privileges belongs to the lords in parliament and not to the justices.'—*Parl. Hist.* i. 1037.

imposing any check on the licence of the press, or on any other mode of assault, the press and the law courts being so much under the influence of the crown. And with regard to the practice of the crown in looking to the judges, it is to be remembered that the legal erudition which distinguished the popular leaders in the commons was often such as to leave the partizans of the prerogative without adequate means of self-defence, except by seeking help from the bench. Both usages, however, were bad. The parliament should not have trenched thus on the province of the executive; and the executive should not have questioned the authority of parliament. But the times were still irregular, and the lines of distinction familiar to us in such cases had not then been defined and settled.

Tonnage and poundage, but no subsidy.

The great object of the king in assembling parliament was to replenish his exchequer. After much unwelcome delay the treasurer began to press this subject more seriously on the attention of the house. The branch of revenue arising from duties levied on merchandise at the ports, still called tonnage and poundage, was voted to the crown in the manner usual on the accession of a new sovereign.* Cecil prayed for the grant of a subsidy. But the house allowed itself to be drawn aside by a question of privilege.

Question of privilege. May 26.

A member had been committed to the Fleet prison for debt, and the serjeant-at-arms was instructed to see him set at liberty without delay. But, to the surprise of the house, the warden of the prison refused, and did so with so much boldness and obstinacy as to justify the suspicion of his acting under the direction of the government. It had cost the commons too much to gain this privilege to allow of its being easily wrested from them. After three examinations, and the punishment of very inconvenient lodgings in the Tower, the delinquent functionary appeared on his knees

* These imports were farmed in 1607 at 126,000*l.* a year. MSS. State Paper Office. Domestic Series, xxvi. No. 57.

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at the bar, confessing his error and presumption, and his unfeigned sorrow that he should so have offended that honourable house. The absent member appeared in his place. The resistance on the part of his keeper was attributed to a private message from the king.

Distress of the government.

The debate on the subsidy was now resumed. During nine months the house had managed to evade this question; while the difficulties of the treasurer increased daily. One courtier, in a letter dated two months prior to this time, says, 'My lord treasurer is 'much discomfited how to find money to supply the 'king's necessities, and protested to some of us poor 'men that were suitors to him for relief, that he 'knoweth not how to procure money to pay for the 'king's diet. We do all here apprehend that the 'penury will more and more increase, and all means 'be shut up for yielding any relief.' The king, about this time, solicited a loan of 200,000 dollars from the city; but solicited in vain.* In the long interval between his accession and the meeting of parliament, his majesty had ample opportunity to squander the large sums which came to him from grants made before the decease of Elizabeth. And every week—almost every day—through that space, had contributed to make the weakness and faults of his character more known, and to diminish the feeling of confidence and loyalty among his subjects.

The commons will have redress of grievances before supplies.

The commons had evidently come together with a determination that the granting of supplies should be preceded by a redress of grievances. They began early to meddle with abuses under the heads of purveyance, and the respite of homage and wardships, proposing that the customs so designated should all be abolished, and that a fixed revenue should be settled on the crown in lieu of them. But the lords, moved by the court, succeeded in postponing proceedings on those points. What contributed still more to the umbrage of the

* Raumer, ii. 202.

commons, was the discouragement with which the king and his advisers had met every attempt towards placing the affairs of the church in a more satisfactory condition. In fact, the conduct of James had been such as to set the men disposed to move in such matters—that is, the majority of the house—wholly at defiance. This was clearly seen by that party, and had its natural influence on their policy. They extorted from the servants of the crown the appointment of a committee of both houses for the purpose of a conference on that subject, though the king had prohibited them by proclamation from taking up such questions. The particulars enumerated by the commons' committee, as requiring consideration, were in substance the same with those in the petition of the Puritan clergy, which had led to the conference at Hampton Court. They especially regret the pressing of 'the use of the cross in baptism, the wearing of the 'surplice in ordinary parish churches, and the sub-'scription required of ministers further than is com-'manded by the laws of the realm; things which by 'long experience have been found the occasions of such 'difference, trouble, and contention in the church, as 'thereby divers profitable and painful ministers, not 'in contempt of authority or desire of novelty, as they 'sincerely profess, and we are verily persuaded, but 'for conscience towards God refusing the same; some 'of good desert have been deprived, others of good 'expectation withheld from entering the ministry, and 'way given to ignorant and unable men, to the great 'prejudice of the free course and fruitful success of the 'Gospel, to the dangerous advantage of the common 'adversaries of true religion, and to the great grief 'and discomfort of many of your majesty's faithful 'and most loyal subjects.'

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April 18.

James, in less than two months after the meeting of parliament, had written to the commons, complaining, in reproachful terms, of their dwelling so much upon grievances, and being so inattentive to his press-

ing necessities. The extract given is from the remonstrance drawn up in reply to that letter. But no remonstrance availed. Grievances were not to be redressed. Supplies, in consequence, were not to be voted. Judging from the temper of the house, James began to fear that there might be a formal vote to that effect—an event which he would have looked upon as degrading him in the sight of all Europe. It was to avoid this catastrophe that his majesty professed to have discovered reasons for not wishing to press just now on the means of his subjects, and his ministers were instructed to withdraw their application for a subsidy. In less than a fortnight after making this communication to the commons James prorogued the parliament. The session had lasted twelve months within a few days. The commons insisted that they had sought no change in secular matters, which was not of a nature to commend itself to the patriotism of the king, no less than to that of his subjects. While in regard to ecclesiastical affairs, the parting which took place between them and their sovereign was in the following significant and dignified terms:—

The government will cede nothing—the commons will vote nothing.

Parliament prorogued July 7, 1604.

Complaint of the commons.

'For matter of religion, it will appear by examination of truth and right, that your majesty should be misinformed, if any man should deliver that the kings of England have any absolute power in themselves either to alter religion (which God defend should be in the power of any mortal man whatsoever), or to make any laws concerning the same, otherwise than, as in temporal causes, by consent of parliament. We have not come in any Puritan or Brownist spirit to introduce their parity, or to work the subversion of the state ecclesiastical as now it standeth—things so far and so clearly from our meaning, that with uniform consent, in the beginning of this parliament, we committed a man to the Tower, who, out of that humour, in a petition presented to this house, slandered the bishops. We

'disputed not of matters of faith and doctrine; our 'desire was peace only, and our device of unity; how 'this lamentable and long lurking dissension among 'the ministers, from which atheism, and sects, and all 'ill life have received such encouragement, and such 'dangerous increase, might at length, before help 'come too late, be extinguished. Our desire hath 'also been to reform certain abuses crept into the 'ecclesiastical state, even as into the temporal; and, 'lastly, that the land might be furnished with a 'learned, religious, and godly ministry; for the main-'tenance of whom we would have granted no small 'contributions, had we found that correspondency 'from others which we expected.'

Nor did the commons restrict themselves to complaints touching the misinterpretation of their views in regard to religion. They proceed to say, that from this cause, in this first parliament under a new sovereign, 'the privileges of the house, and therein the 'liberties and stability of the whole kingdom, have 'been more universally and dangerously impugned 'than since the beginning of parliaments.' Not privileges only, they add, 'but the whole freedom of the 'parliament and realm have, from time to time, upon 'all occasions, been mainly hewed at.'*

* The paper from which these citations are made was presented to the house by Sir Thomas Ridgeway. Hume, who describes it as the work of Sir Francis Bacon and Sir Edwin Sandys, states that its spirit of freedom was 'much beyond the principles of the ages,' and that it failed on that account to be adopted, no trace of it appearing in the journals. But the truth is, we find the first paragraph of it in the journals; and from a debate in the lower house in 1621, I find that the document was not only read, but adopted, its non-appearance in the journals being a matter of astonishment, at that time, to those senior members who had been parties to the approval of it. I am not aware that the allusion to this document in 1621, has been noticed by any other writer. Beaumont, the French ambassador, speaks of the king as having addressed the house in a speech 'full of anger,' which was heard in silence, but followed by 'a justification of themselves in writing against all his imputations.' This description agrees exactly with the nature of the paper intitled, *An Apology, &c.* There is an allusion to the paper in *Truth brought to Light.* It was first

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James finds the Puritans are strong.

These calm but resolute words only added to the king's excitement. 'As God shall judge me,' said his majesty, in the ear of his favourites, 'I had rather live 'like a hermit than be a king over such a people as the 'pack of Puritans that overrules the lower house.'* The difficulties of his majesty's exchequer were now greater than ever. The Puritans were full of indignation, and some of their ministers expressed themselves in his hearing a good deal after the John Knox manner. Many of them gave out that the king was a concealed Papist. It was no secret that the monarch had been in communication with that party before his accession, and that he had allowed them to entertain 'good hopes' that the penal laws against them should be rescinded, or at least very much relaxed.† Nor was he wholly unmindful of his promise.

Policy towards the Catholics.

The fines and forfeitures exacted from the Catholics in the last year of Elizabeth had exceeded 10,000*l.* In the first year of James they were reduced to three hundred, and in the second year to a less sum. But in the third year they suddenly rose to six thousand.‡ The taunts of the Puritans; his majesty's want of money; and his presumption that the time had come in which he might safely take another course, led to this change. The queen had been so imprudent as to

published by Sir Matthew Hale, and may be seen in Petyt's *Jus Parliamentarium*. Also in *Parl. Hist.* i. 1033-1042; see also 1335. There is a copy in the State Paper Office. Vol. viii. No. 70. The paper is evidently from the pen of Bacon.

* Hallam, i. 419.

† James declared that he had never promised toleration to the Catholics (Winwood, ii. 49). But there is a letter extant, in which he says, 'I will dare to say no more; but it were pity to lose so good a kingdom for not tolerating mass in a corner, if upon that it resteth.' Miss Aikin's *Court of James I.* vol i. 253. There is also another letter existing, dated little more than a month after the king's accession, in which he is asserted to be a Catholic, and those who may be disposed to persecute the professors of that faith are warned to be careful, lest their zeal should prove displeasing to his majesty.—MSS. State Paper Office. Domestic Series, i. No. 117.

‡ Jardine's *Criminal Trials*, ii. 19, 20.

declare to the French ambassador that she was in heart a Catholic. James had allowed secret communication to be made to him by the pope; and his holiness had urged, that if his majesty should not himself become a Catholic, his eldest son might be allowed to be educated in that faith. In a letter, James excused himself, as holding 'the religion in which he had been 'educated for the best, yet professing himself not so 'fixed in his opinion but that he might let himself be 'instructed on sufficient proofs, to which purpose his 'holiness might call a free assembly of the church, 'which he would attend in person, or by deputies.'*

Failing to obtain the supplies expected from the commons in their first session, James began, as he was to continue—he called upon the capital and the country to lend him the money which the parliament had declined to grant. For the present, his majesty's credit was comparatively good. The aldermen of London contributed liberally, some to the extent of 2000*l.*, none less than 500*l.* The first instalment from the counties amounted to 53,311*l.* 6*s.* 8*d.* Many made excuses, which were recorded and sent to the council. The greater number appear to have been admitted. Opposite others are the words—'To be sent 'for.' But assistance in this form could not preclude the necessity of looking to parliament. With Elizabeth, money so obtained had been honestly a loan, to be repaid, and James no doubt felt that he must not seem to be less mindful of his obligation.†

The gunpowder conspiracy.

Such was the general state of affairs when it became necessary to reassemble parliament; and when the Guy Fawkes' conspiracy had been brought to its last stage. The atrocity of that project only wanted the jesuit element which lay at its root, to make it the most

* Beaumont's *Reports*, February, 1605. Raumer, 212.

† MS. State Paper Office. Domestic Series, vol. x. Nos. 44-52. The excuses sent by many of the clergy are—large families, debt, great poverty—and they seem to have been just.

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execrable scheme in the history of treason. Nearly half a century had intervened since the fires of Smithfield had burnt their last. The effect of this new manifestation of Romanist fanaticism was to deepen, and to diffuse more widely than ever, a loathing of the creed which was seen to yield such fruits. From that time to the present, a horror of that faith has been a trait in English character. Of course, many Catholics condemned the guilty project very emphatically.

Second session of parliament. —The king's speech, Nov. 9, 1605.

The meeting of parliament was postponed from the fifth of November to the ninth, when the king congratulated the two houses on the detection of the conspiracy as being little less than the prevention of a second deluge. The parties concerned in that great treason were described as meditating the accomplishment of their purpose without any real provocation. But the danger being so happily passed, it would behove the great council of the nation to deliberate without passion on the best course to be adopted towards that religious body which not a few perhaps would be disposed to look upon as more or less implicated in this enormity. In any discussion on this subject, it would be proper to avoid all reflection on the great Catholic powers, who should not be supposed capable of regarding such a deed with approval. Nor should it be forgotten, that there were more religious parties than one against which the charge of cruelty might be proved. The Puritan who declared the Papist excluded from salvation, was such a victim of

* Percy, a chief person in this enterprise, wrote a letter on the 2nd of November to 'my especially good friend, William Wycliffe, Esq.,' saying that he had suddenly left York, being assured, by well-informed persons, that the archbishop intended to arrest him 'as the chief pillar of papistry in that country.' This William Wycliffe was no doubt the William Wycliffe who then owned the manor of Wycliffe, and represented the family of our great reformer. The Wycliffes had not ceased to be Catholics. The letter is in the State Paper Office MSS. Domestic Series, vol. xvi. No. 4. But there is no evidence that this William Wycliffe was privy to the conspiracy.

intolerance, in his majesty's opinion, as to be 'worthy 'of fire.' In judging, therefore, concerning the recent plot, care should be taken to distinguish between systems and persons, and not to condemn a whole community as guilty of crimes of which a part only would be found capable.

James discourses on the province of parliament.

In conclusion, the king would avail himself of the opportunity before him to deliver his judgment on the design of parliaments. On this subject he had not spoken sufficiently in his former address. It was true that such a topic must always be familiar to the mind of kings, and especially to one who had long swayed the sceptre of a state where a popular legislature existed, constituted very much as in England. But the last three years had afforded his majesty the opportunity of closer inspection, and he was now fully aware that the high court of parliament in his new dominions, consisted of the lords temporal and spiritual, and of the gentlemen and burgesses representing the shires and towns of the kingdom; that these existed as the king's great council, assembled by him for the purpose of enacting new laws, or of interpreting or abrogating the old. From such assemblies all private resentment should be excluded; nor were they to be a scene for the exhibition of a vain eloquence, or for the indulgence of a censorious wit. It was the grave national assembly, where laws might be instituted, either at the suggestion of the sovereign, or in independence of him, but was far from being the place where every 'rash novelist' might obtrude his crude conceptions at pleasure. 'Nay, rather would I wish,' said the king, 'that those busy heads should remember 'that law of the Lacedemonians, that whosoever came 'to propose a new law to the people, behoved publicly 'to present himself with a rope about his neck, that 'in case the law were not allowed he should be hanged 'therewith.'*

* *Parl. Hist.* i. 1053-1062.

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Widely different were the impressions which seemed to be made by this speech. The court saw in it proofs of extraordinary wisdom, rising to magnanimity. The Puritans were filled with amazement and indignation, on being told, and at such a moment, that their creed was not less allied with cruelty than that of the Papists, and might be justly punished with fire; while the stern Parliamentarians smiled at the schooling with which his majesty had been pleased to favour them, and took careful note of what was said about the Lacedemonians and the hangman.

It should be observed, too, that his majesty had another reason, and one with him of great potency, in urging moderation towards the Catholics, notwithstanding the late horrible plot. Thoughts began to be entertained even thus early of a marriage between prince Henry and the Infanta, and great was the apprehension lest some outburst of Protestant resentment should frustrate that scheme.* But whatever may have been the feeling with which men listened to his majesty's speech, it was provided that time should be allowed for the strongest passion to become somewhat attempered by reflection before any opportunity was afforded for giving expression to it. James, having concluded his address, at once announced the prorogation of parliament to the twenty-first of January.

New measures against the Catholics.

When the two houses assembled after their nine weeks of prorogation, their first object was to enact that the fifth of November should be observed for ever as a day of public thanksgiving. This act was introductory to a revision of the penal laws against Catholics. The existing statutes were severe, but some addi-

* Writing concerning the queen and prince Henry in the autumn of 1604, the French ambassador says, 'She seeks to excite his youthful mind in favour of Spain, by recommending to him a marriage with the Infanta.' Some months later, it is added, 'Several Englishmen believe that if the prince of Wales marry the Infanta, she will receive the Netherlands as a portion. So are they enticed.'—Raumer, ii. 209, 213.

tions were now made to them, and means were adopted to ensure a stricter enforcement of the whole. Such of the professors of that faith as refused to conform to the worship of the established church, were excluded from the court, and from certain offices and professions. They could not remove more than a few miles from their residence without a passport from the neighbouring magistrates; and while subject to many fines, both in their public and domestic relations, their power over their own property was not such as the law had conferred on other subjects. Special penalties might be inflicted on those who hesitated to denounce the deposing power of the popes.*

Policy of those measures.

But in practice, the new code existed more as a machinery to be applied when occasion should require it, than as a body of enactments to be rigidly carried into effect. James confessed to this parliament in 1614, that there were whole counties in which not more than two or three magistrates were to be found who could be induced to proceed against recusants. It is not to be doubted that the social atmosphere may be charged to such a pitch with fanaticism, either civil or religious, that laws partaking strongly of the nature of intolerance may be both patriotic and humane; while, on the other hand, there may be such an absence of the elements of mischief, as to make the

* *Parl. Hist.* i. 1062-1064. 'A motion was made that Sir William Morris did go to mass in the Spanish ambassador's house.' Sir William, who was a member, answered, that he was never at any but once in the gallery at Somerset House, when the constable (of Castile) was here, before he was aware thereof.'—*MS. Letter*, Feb. 10, 1605-6. Birch's MSS. A motion which shows how completely the Catholic element had been excluded from the lower house. By this severer code, the king was empowered to go beyond the 20*l.* a month as the fine upon recusants, and might seize two-thirds of their lands and goods; and there is a list of persons given in a document in the State Paper Office on whom the king really made this most oppressive demand.—MSS. Domestic Series, xxiii. No. 37, 1606. But proceedings were modified afterwards, xxiv. 51. The whole number of Catholics indicted for recusancy in 1605 were, it seems, 1944.—Ibid. xvi. No. 125.

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slightest interference with opinion, or with the honest expression of it, manifestly inexpedient and unjust. The former state of things was that which existed in this country under Elizabeth, and on the accession of the house of Stuart—the latter is that by which our own time is happily distinguished. Admitting the English Catholics in that age to have been much fewer than the Protestants, their connexion with the most formidable powers of the continent, always ready to encourage them in their treasons, must have continued to render their unrestrained machinations not a little dangerous.* There can be no doubt that the men who most loudly demanded the suppression of the Romanists by penal statutes, were persuaded that their policy was justified by the law of self-preservation. With them, it was not possible to forget either the Spanish armada or the gunpowder treason.

James presses for money and obtains it.

Pecuniary embarrassment was a species of difficulty from which James was never to be free—but it had just now become such as to be no longer supportable. Nor did the commons seem insensible to the necessities of the sovereign. So acceptable to James were appearances in this respect, that his majesty sent a message to the lower house, stating how much he had been gratified by their proceedings. But it soon became manifest, that if the commons were disposed to vote liberal supplies, it was on the assumption that there should be a liberal redress of grievances. When these grievances were enumerated, James complained that a crier must have been sent through the land to collect

* The influence of Romanism was known to be still very powerful. 'I understand,' says a contemporary, 'that our ambassador in Spain is left almost utterly without servants—the most part of his train being turned Papists and gone to the king of Spain and the archduke's service.'—MS. *Letter*. Feb. 1606. Birch's MSS. In this session there was more than one debate on the best means of preventing Englishmen from taking such foreign service. Salisbury said, that spite of all the Scottish zeal about religion, there were 500 Scots for 100 of English who sold their religion to get foreign employment.—MS. State Paper Office. Domestic Series, xxxix. No. 27.

them. The lords temporal and spiritual made strenuous effort to aid the king in this chase after money, but with little effect.

It so happened, however, that while this discussion was pending, a rumour was spread that the king had been assassinated. Men who had talked lightly enough about his majesty, now felt as if suddenly brought to a precipice. The king dead—what next? Nothing could exceed the panic which spread, as with the rapidity of lightning, over the metropolis and the surrounding districts. The rumour multiplied itself, took all shapes. Men mustered and armed in all directions, expecting some new plot to break upon them, not less terrible than that of Guy Fawkes and his confederates. Knights mounted their horses, and rushed in full speed through the suburbs to learn what had really happened, and where. Soon Sir Herbert Crofts pulled up his breathless horse in Palace Yard, and shouted—All is safe—the rumour is false—the king is alive and well; he has seen him, and his majesty is on his way to Whitehall! This was late on Saturday. Sunday and Monday were full of a revulsion of feeling.*

On Tuesday the commons met, and in the joy of the moment voted large supplies, leaving the debate upon grievances to another day. The sums voted by the commons and the clergy amounted to 450,000*l.*, but even that grant was said to fall 50,000*l.* below

* 'As the king approached the metropolis on the same day, the whole court went to meet him. The parliament sent Sir Maurice Berkeley with four knights more, to welcome him; the speaker, with his mace, went beyond Park-corner to bring him in, and the lord mayor and his brethren went to him after supper to congratulate his safety. To all which he made several harangues, as likewise to the people's acclamations the next day as he went to sermon, telling them that he took these demonstrations more kindly than if they had won a battle for him. That a better king they might have, but a more careful and loving one for their good they could not. That these signs were the more welcome to him, as foreign ambassadors might now see the vanity of those reports that were spread abroad in other countries of mislike and distaste between him and his people.'—Winwood, ii. 204.

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the king's debts—debts arising, it was said, in part from expenses attending the journey of the king and the royal family from Scotland to England, and in part from deficiences at the decease of Elizabeth. James, having succeeded in the great object for which he always convened such assemblies—a supply of money, prorogued the parliament, and, what was rarely to be heard from a Stuart sovereign on such occasions, he did so commending the liberality and loyalty of the knights and burgesses of the lower house.

Another session, and another royal speech. 1606. Nov. 18.

But the parliament prorogued in May was assembled again in the following November, when the king betrayed his foreboding of a stormy session in a lengthened admonitory address. There was room to fear that the time had come when the grievances left in abeyance at the close of the last session, would be urged on the notice of the ministers of the crown in a manner not to be evaded. James commenced, accordingly, by praising 'the moderation and discretion' which, in the end, had characterized the proceedings of the last session; but could not abstain from expressing his regret that some restless persons should have taken so much pains to bring together all possible matters of complaint. His majesty had observed also, that some of the questions broached on that occasion were more popular than profitable, either for that council or the commonwealth; and that there were some tribunes of the people whose mouths could not be stopped from discoursing concerning the Puritans, purveyance, and such questions. In regard to the Puritans, his majesty was pleased to describe them as the parents of every disorder in church and state, and as the great patrons of schism—and the king had always accounted schismatics and heretics as subject to the same curse. Such persons as should be disposed to renew the late complaints on the subject of purveyance, were informed that kings are accountable to God only; and that the dissolution of a parliament might bring with it the retributions of a sort of

Doomsday, the king having it then in his power to visit on any man as a subject, the sins he may have committed in his capacity as a legislator. That all necessity for resorting to such exercise of his irresponsible supremacy might be precluded, his majesty condescended to advise, that should any of the plebeian tribunes presume to soar, like Icarus with his wings of wax, into regions above their proper sphere, the discretion of the house should be exercised to check such sallies of impertinence, lest so honourable a body might be made to suffer for the petulant excesses of a few only who did not truly represent it.*

It is not easy to imagine anything more ill-advised, than this style of address as made to such an assembly. His majesty's speech was felt as a twofold attack —first on the Puritans, and secondly on the independence of parliament. The former was a kind of misrepresentation in which the king had too often indulged; the latter was a threat which menaced the constitution, and pointed to a course of policy which was to do more towards loosening the foundation of the throne, than towards extinguishing freedom of debate among the representatives of the people.

Proposed union of England with Scotland.

Thus instructed and admonished, the commons addressed themselves to business. The first question submitted to their consideration by the government was the union of England with Scotland. James professed the most impartial concern for the interests of his old and new subjects. But he had manifestly persuaded himself, that the union once accomplished, it would be possible to assimilate the stubborn kirk of the north, to the temper of the more flexible establishment he had found in the south. He would have ex-

* There is a letter in the State Paper Office, addressed to the king, in which his majesty's 'difficulties' are largely set forth, and he is told that he needs some of Elizabeth's 'knowledge, breeding, and stomach,' in dealing with an English house of commons.—MSS. Domestic Series, xix. No. 47.

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tended the power of the crown in ecclesiastical affairs, so ample among ourselves, equally to our neighbours. The general laws also of the two kingdoms, being once submitted to revision, in order to their nearer assimilation, not a few inconvenient restrictions might possibly be modified, so as to cause the whole to approach more nearly to the court standard.

The commissioners who had been appointed three years since to deliberate on this subject were now called upon for their report. Their recommendations were—that all hostile laws between the two kingdoms should be repealed; that the border courts should be abolished; that both nations should be subject to the same commercial regulations; and that all persons naturalized in the one kingdom, should be accounted as naturalized in the other. These recommendations were very reasonable. But, unhappily, the commissioners had no sooner placed these conclusions before the house, than James assumed the title of king of Great Britain, and scrupled not to quarter the arms of England with those of Scotland. This was to usurp the whole power of the legislature. The commissioners had received their appointment from parliament, and their recommendations possessed not the slightest authority until sanctioned by parliament. The coming of so many Scots into England since the king's accession, and the manner in which his majesty had been pleased to heap wealth and honour upon them, had filled the mind of the English with jealousy and resentment, and this unauthorized assumption of title and arms, taking place in the midst of such feeling, was sufficient to prejudice the whole scheme irrevocably.

Discussion in the commons. 1607. Feb. 10.

When the measure came under the notice of the commons, it was resolved that the hostile laws adverted to should be repealed, and that the border courts should be at once abolished. But the proposals to equalize the commercial privileges of the two countries, and to change the law of naturalization, were points

to which strong objection was taken. James addressed the house by letter, and in person, in the hope of subduing an opposition which no doubt appeared to him most unreasonable, and even factious. But the effect of his interference and zeal was only to exasperate the dissentients, and to call forth reflections on himself and his countrymen which seemed to make it probable that the commons would rather appeal to the sword than submit to adopt the changes urged upon them. One member remarked, that Milan, Naples, and Sicily, though included in the dominions of his Catholic majesty, derived no trade privilege from that circumstance in their intercourse with Castile. Another speaker observed that the Romans were far from lavishing the rights of citizenship on all the colonies or cities belonging to their empire, that distinction being 'communicable as a special favour, and only at 'the benevolence of the senate.' Some, like Paul, might be born to that immunity; others, like Lysias, were 'fain to obtain it for a great sum.' An equalized trade with the French, said another senator, might be equitable, as from them wine and other commodities are obtained in exchange for our wool and cloth. But the Scots—what had they to offer? Their most valuable productions were eggs and barnacles, and it might be a few drugs to cure the jaundice. 'The Scot,' said another of these dispassionate orators, 'like 'the poor Swiss—yet better provided for and nearer 'the sun than he—finds a more commodious abiding 'under every climate than at home, which, as it makes 'the Swiss to venture their lives in the quarrel of any 'prince for money, so this northern people are known 'to do, or turn pedlars, having become so cunning 'through necessity, that they ruin all about them.' Nor was this, and more like this, the worst. The king had spoken of his residence in England as proceeding from his great affection for its inhabitants; and one member was bold enough to remark, that it would be no small advantage if his majesty would

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adopt the same method of showing his affection for Scotland.*

So did the commons deliver their opinion, though the terror of a probable punishment when the session should close had been placed before them. The privy council of Scotland soon became aware of these proceedings, and in a letter to the king, complaining of the language in which their country had been traduced, they say that the union so 'greatly hated' by the one party, was 'little affected' by the other.†

Question of naturalization.

But though the question of commercial privileges was one to be approached only through the medium of parliament, the naturalization of the subjects of one kingdom in the other was presumed to be within the power of the king by means of a decision to that effect in the courts of law. The judges were induced to say, that since the king's succession, persons born in either kingdom were naturalized in both. But the commons were not satisfied with this method of settling so important a matter, and the question was taken into the courts of Chancery and King's Bench, from which, it was adjourned to the Exchequer Chamber, and there it was solemnly argued by the greatest lawyers of the day. As might have been expected from functionaries who held their place at the king's pleasure, the previous decision was confirmed. In this manner the question of naturalization was determined, though

* Osborne, 465-468. Sir Christopher Pigott was sent to the Tower for indulging in some free expressions in the above debate. *Journals*, 333-335. The Scots often conducted themselves with much rudeness in taverns and other places. But they gained nothing by so doing. James addressed a letter to chief justice Popham, requiring him to apprehend certain loose people of the 'damned crew of swaggerers, who endeavoured to kindle animosity between Scotch and English.'—MSS. State Paper Office. Domestic Series, vol. vii. No. 29.

† *Parl. Hist.* i. 1064-1096. Dalrymple's *Memorials*, i. 7. *Mémoires de la Boderie*, ii. 223. Give up the question, says a zealous Scotchman. Treat both nations alike. Live half the year on one side the Tweed and half the year on the other.—MSS. State Paper Office. Domestic Series, xxvi. No. 68.

some of the ablest jurists continued from time to time to dispute its legality.*

The king is displeased. —Parliament prorogued.

But this partial success afforded small satisfaction to the king. The passions of all who had approached this subject had been much excited. To this cause we must attribute the abrupt prorogation of parliament, before any attempt had been made to ascertain the feeling of the house in regard to any further money-grant. James greatly needed assistance in that form. But he seems to have resolved on trying almost any expedient rather than submit to the freedoms attendant on seeking help from the commons. Elizabeth had felt a similar repugnance to any such dependence, and exercised her powerful forethought to avoid it. With this view she restricted her expenditure in peace and war to the smallest possible amount, and took care not to engage in hostilities the burdens of which were not likely to be willingly borne by her subjects. But it was the manner of James to bring upon himself the embarrassments in the time of peace, which were only known to his predecessors in time of war. As things had stood through many centuries in England, the great secret of power in the sovereign, was to avoid all unnecessary demands on the property of the subject. To bring the representatives of the people frequently together in national conference, was to add to their intelligence, to their feeling of importance, and to strengthen and multiply precedents in favour of popular liberty. James was no lover of such conferences, but his habits, in all respects, were too much confirmed to be resisted, and they constantly placed him in the unwelcome position of an applicant to such assemblies.

Character and administration of Salisbury.

To extricate the king from these perplexities devolved on Salisbury. That minister possessed the helm of the state on the decease of Elizabeth, and obtained the confidence of her successor to an extent that must

* Coke's *Reports*, iv. 1. Howell's *State Trials*, ii. 559-696. Osborne, 46.

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have equalled his largest expectations.* Nothing could be more acceptable to James than the sobriety and caution which characterized the movements of his favourite minister. The ingenuity with which he concealed his most important projects until it was deemed safe to avow them, and the sagacity evinced by him in detecting or unravelling the intentions of others, whether relating to court intrigue, to diplomacy, or to conspiracy, sufficed to make his services of inestimable value to such a sovereign. But the lord treasurer was soon to learn that the cares of government under the late queen had been few and light, compared with those which awaited him under the new dynasty. It was his lot to find the exchequer constantly drained by the inconsiderate profusion of his master, until purveyors refused to furnish supplies for the royal household, and the careworn minister scarcely dared appear abroad in his carriage, on account of the clamorous demands which were made upon him by the servants of the court whose salaries were in long arrear. In 1610 he had succeeded in reducing the king's debts to somewhat less than a third of their amount two years before. But to accomplish this he had exacted loans of money from the more wealthy classes by means of privy seals; and besides demanding the payment of twenty shillings from every knight's fee in the kingdom, as the feudal acknowledgment on the knighting of the king's son, he had presumed to lay a tax without consent of parliament on most of the articles imported from foreign states, endeavouring to justify his conduct in that respect by pleading the spurious authority of the barons of the exchequer.†

* Boderie describes the king as governed for some years after his accession solely by the advice of Cecil.—*Mémoires*, ii. 356; iii. 225-302. Beaumont and Villeroi, in their unpublished despatches, speak frequently to the same effect.—Raumer, ii. 198, 201, 217, 220, 221.

† Boderie, ii. 16, 413, 427, 440; iii. 70, 72, 103, 189, 342, 421; iv. 379. Winwood, iii. 123, 155. Howell's *State Trials*, ii. 382, et seq.

Salisbury ministered in this manner to the convenience of his master; but he did not add to his own popularity by such means. An end would soon come to such expedients; and as it became necessary to return to the less doubtful course of raising money through parliament, the best method by which to propitiate that body became a question of some anxiety to the king, and a difficulty of serious magnitude to the lord treasurer.

Parliament had now been prorogued from time to time over two years. When reassembled, James could not conceal the reluctance with which he had assented to its meeting. For the first time he abstained from opening the session with a speech from the throne. At the commencement of the last session, the king had warned the popular members of his power to punish the undutiful in the next recess. Accordingly, when the session had closed, several members, who had not profited sufficiently by that admonition, were deprived of their office as justices of the peace. This petulant proceeding was not overlooked by the friends of the obnoxious senators. In prospect of a new session, the offenders were solicited by the court to accept their former trust. With this poor attempt towards conciliation others of more importance were associated.

Parliament 1610. Feb.

The claim which the treasurer ventured to make was alarming. It was that a sum of not less than 600,000*l.* should be voted to meet the present exigencies of the crown, and that there should be an annual grant of 200,000*l.*, in addition to the present revenue, to prevent a recurrence of the embarrassments which had so much impaired the efficiency of the government. But, in return, the commons were invited to make a free statement of their grievances, and were informed that the king was not more desirous of experiencing their liberality than of showing himself liberal. His majesty proceeded so far on this occasion, as to express himself anxious that the provision now made might be such, that should future kings 'have

The king will redress all grievances on a condition.

'will to grieve the people, they might not have the 'power.' It was too true, as affirmed by a contemporary, that 'James shared so largely in the folly of 'princes, that he never gratified the subject but upon 'urgent necessity, or by way of barter, which made 'the commons consider him at best but in the relation of 'a merchant, and themselves as countrymen, brought 'up only to be cozened.'* Suspicions no doubt there were, on both sides, at this juncture. But James knew the conditions to be complied with, if the money which he so much needed was to be obtained. On the whole, matters which had often produced much angry altercation between the crown and the representatives of the people, were never in so fair a prospect of being well settled.†

Rivalry between the common lawyers and the civilians.

But the attention of the house was diverted for a time from the business immediately before it, to a dispute in reference to those principles of government from neglect of which so much of the difficulty now generally felt had arisen. Much disagreement had long subsisted between two classes of lawyers in this country—the men who were strenuous in their support of the common law—the law of the land; and the men who were learned in the civil law—the old law of the Roman empire, especially as existing in the code of Justinian. In the progress of European society, the civil law had been variously incorporated with the jurisprudence of modern nations. Our great common lawyers generally breathed the spirit of their favourite study, and were disposed to regard the prerogative of the crown as subject to definite restrictions imposed by the legislature. The civilians, on the contrary, whose system had flourished by the side of the canon law in the church, were remarkable for their leaning in an opposite direction, vesting the sovereigns of modern Europe with much of the despotic power

* Osborne's *Memoirs*, 405.

† *Parl. Hist.* i. 1121, et seq. Winwood, iii. 123, 124. Boderie, v. 187.

which, after the decline of liberty in Rome, had passed to the hands of the emperors. The common law courts insisted, that neither the canon law nor the civil law, so long as they stood alone, could be allowed to affect the person or property of English subjects. Over all interests of that nature the law of the land was supreme and exclusive. The sentence of excommunication, which was purely ecclesiastical, subjected the alleged delinquent to much secular disability. But the common law courts frequently issued their 'prohibitions' in such cases; and so the secular consequences of the sentence became a nullity. In this controversy, as will be supposed, such of the clergy as were bent on ruling with a strong hand, sided with the civilians.*

Dr. Cowell's book.

It happened that about this time, Dr. Cowell, a learned civilian, published a work expository of the nature and claims of the civil law. In certain articles of this book the writer professed to regard the king of England as being free from any of the obligations said to be imposed upon him by the laws of the realm. His majesty was said to possess the right, purely in virtue of his prerogative, to make laws, or to unmake them, and to exact money from his subjects without consent of parliament. Popular assemblies might have authority, but it must be purely by sufferance from the crown. It was well known that these base dogmas had been put forth at the instigation of Bancroft, archbishop of Canterbury, and with the approval of the king. The commons, who would not probably have

* James was rather fond of displaying his skill in reasoning on both sides of a question. He could not only 'play the Puritan' for a season, at Hampton Court, the following passage indicates that his majesty could take pleasure in frightening the lawyers as well as the bishops. 'The matter of prohibitions hath been of late very hotly debated before the king, both by the judges and the high commissioners, wherein the king played the best part in collecting arguments on both sides, and concluding indifferently, said he saw much endeavour to draw water to their several mills. He plainly told the lawyers that he would leave hunting of hares, and hunt them in their quirks and subtleties, with which the subject had been long abused.' —MS. Carleton's *Letter*, June 8, 1609. State Paper Office.

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overlooked the author in less suspicious circumstances, were now especially alarmed and offended. They called on the upper house to assist them in suppressing doctrines so subversive of their ancient and chartered liberties. Any hesitation on the part of the government to concur in such a proceeding would have been fatal to the course which James was concerned should be taken in the public business. The king listened, accordingly, to the first remonstrance of the two houses, and assured them that the obnoxious publication was so far from expressing his opinions, that he should account the man a personal enemy who dared to speak of it with approbation. The book was in consequence condemned by proclamation, and its author was imprisoned. His confinement, however, was not of long duration.*

The question of impositions taken up.

The next subject that came under consideration, was the conduct of government in taxing merchandize at the ports without the consent of parliament. As the commons approached this important question, James addressed them in language which satisfied the house that the principles condemned as published in Dr. Cowell's book, were, after all, his majesty's principles. James did not hesitate to declare, that, in many respects, kings are the vicegerents and images of the supreme Potentate. As such they could raise up or bring down, create or destroy, prolong life or take it away. They were judges of all, and were to be judged of none. They were entitled to the service of the bodies and souls of their people. Whatever might be said to the contrary, such was the abstract dignity of a king. To deny such power to an earthly sovereign was to be seditious, even as to question the power of the Almighty was to blaspheme. The laws of England, indeed, did not recognize such authority in a king, and as king of England his majesty would

James agrees with Dr. Cowell and the civilians.

* *Parl. Hist.* i. 1122, 1123. Wilson's *Life and Reign of James I.* Bancroft was an early suitor for the release of Cowell from his confinement. —MSS. State Paper Office, xlviii. No. 130.

consent to be governed by its laws; but whilst he ceded to the commons, on this ground, their right to inquire concerning what had been done as a fact, he prohibited them from pronouncing any judgment concerning the abstract right or wrong of the proceeding.

The house, heedless of the prohibition thus imperiously laid upon it, at once appointed a committee to inquire concerning the law of the case, and the practice of the government in past times; and not only the question whether the king *had* violated the law, but whether he had in any sense a right so to do, became the matter of warm and protracted discussion.

The commons will be Englishmen.

The advocates on the side of prerogative maintained that the levying of rates on exports and imports in the name of the king only, had been common from the time of Edward I. to the accession of Richard II., and that an instance of the kind had been submitted to under Mary, and had been retained by Elizabeth. But such precedents, it was said, were not only precedents drawn from remote times, but had been almost invariably followed, even then, by remonstrance and redress, and were not applicable to the present case. The solitary instance in recent times, adduced from the reign of Mary, was of no value, since it not only stood thus alone, but consisted simply of a provision to counteract attempts to evade a tax which parliament had imposed. To precedents so remote or so worthless, as those produced by the officers of the crown, the popular advocates opposed the well-known provision of Magna Charta; the often-cited statute *de tallagio non concedendo;* and no less than twelve subsequent enactments in different parliaments to the same effect. In fact, the only part of the argument in favour of the crown at all plausible, related to the mere increase of the old rates, on the ground that they had not varied as they should have done with the increased value of the articles. But even here it was natural to inquire, whether to impose such payments, and to regulate their amount, should not belong to the same power? On the

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whole, nothing could be more manifest than the defeat of the court on this vital question. Concerning the novel doctrines so profanely broached by the king, the language of the commons was, that they must denounce them utterly, or 'they should not leave to their succes-'sors that freedom which they had received from their 'forefathers; nor be able to make account of anything 'they had as their own, longer than they listed that 'governed.'*

Proposal to commute the feudal revenue of the crown.

It was a great object with the commons in this session, to secure the extinction of various feudal customs, which subjected them to much annoyance and irregular exaction, and concerning which much had been said in past years, but said in vain. The crown derived a considerable portion of its revenue from these sources, and the proposal was, that such profits should be commuted by an annual payment on the authority of parliament. Some of the usages accounted as grievances James was not disposed to surrender. But he consented that the custom of purveyance, and the power of the king in relation to wardships, marriages, widows, and some other matters, should be abolished. After much discussion, the com-

* Winwood, iii. 175. *Parl. Hist.* i. 1121, 1122, 1132, 1133. Howell's *State Trials*, ii. 407-519. Bacon's *Works*, ii. 223. Birch's *Negotiations*, 320. Boderie, v. 271-355. In the end, the house expressed its judgment in a form as little offensive to the king as was possible, consistently with their duty. 'All this debate was at grand committees, the speaker being in the house, but not in the chair; and when the powder was all spent on both sides, we grew in the end to this peaceable conclusion—not to put the question of the right to condemn hereby the judgments of the Exchequer in the matter of currents, whereof all this is the consequence; but to frame a petition by way of grievance, implying the right, though not in express terms, which was accordingly done; and so the rest of the grievances, which stayed only for this, were drawn up into a large scroll of parchment (which the king said would serve for a piece of tapistry) and so presented by the solicitor, accompanied by twenty of the house.'—MS. Carleton's *Letter*, July 13, 1610. James did not appreciate this delicate forbearance of the commons. He would not lay on such imposts in future; but he did not promise to abandon those laid on recently, and the commons were, in consequence, disappointed and dissatisfied.—Ibid.

mons agreed that a grant of 200,000*l.* should be made annually to the crown, as a compensation for the revenue thus relinquished. James signified his acceptance of these terms. This great contract was now supposed to be settled. But from some unknown causes, James decided to prorogue the parliament. Months passed, and the measures of the government were not such as to remove suspicion from the minds of those who already distrusted it. When the houses were reassembled in the autumn, the commons renewed the discussion on grievances, and an abrupt dissolution followed.*

The journals of the commons, in relation to this last session of his majesty's first parliament, are lost; but the king is said to have sent for a deputation from the lower house, and to have demanded of them in much anger, whether they were not bound in duty as subjects to relieve the necessities of their sovereign. Sir Henry Neville, replied: 'Where your 'expenses grow by the commonwealth we are, but 'not otherwise;' an observation in which we may, no doubt, perceive something of the temper of the popular members generally, and which points clearly to those habits on the part of the king, which, to the commons, were always the great difficulty in dealing with him on financial questions. The real cause of the dissolution seems to have been, that the king found the commons disposed to exact more than he was prepared, after

* *Parl. Hist.* i. 1125-1148. The circumstances in which the parliament had been prorogued, seemed to promise what the end would be. 'A courtier member writing at the time, says, 'The parliament was prorogued on Monday, 23rd July to 16th of next October, until which time the consummation of the contract is, in like sort, prorogued. But the particulars are set down which we shall have of the king, and the price agreed on, 200,000*l.* annual revenue. The manner of the levy, and the assurance also, are put off likewise to next meeting, without so much as any course taken to be more ready in them in this time of vacation, which is thought a somewhat preposterous order, to promise money and not to consider where or how to have it.'—MS. Carleton's *Letter*, July 25, 1610. The disorder was the natural effect of the abruptness of the prorogation,

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all his professions, to grant. On the meeting of this session, says an old writer—'The members were willing to renew their allegiance to the king out of piety. Yet they were so strict, even in those youthful days, which he called obstinacy, that they would not obey him in his encroachments upon the public liberty, which he began then to practice. For being now seasoned with seven years' knowledge in his profession here, he thought he might set up for himself, and not be still journeyman to the lavish tongues of men who pried too narrowly into the secrets of his prerogative, which are mysteries too high for them, being *arcana imperii*, fitter to be admired than questioned. But the parliaments were apprehensive enough that these hidden mysteries made many dark steps into the people's liberties; and they were willing, by the light of law and reason, to discover what was the king's—what was theirs; which the king unwilling to have searched into, after five sessions in six years, dissolved the parliament by proclamation.'* The proclamation throws no light on the causes of this proceeding. The commons had voted a subsidy, a tenth, and a fifteenth; but all that had been done towards the great money settlement between sovereign and subject, and with a view to a great general correction of disorders in the government, seemed to have been done in vain.†

Salisbury sinks under his burden.

If such a close to such a session was vexatious to the king, it may be said to have been death to his minister. Before him, Salisbury now saw an exhausted treasury, debts accumulating in every direction, and no means of relief save those which seemed to have been tried to the utmost. Some of the remaining crown lands were exposed to sale. Privy seals were sent forth with a trembling hand to solicit loans. But the careworn statesman finished his course before the result could

* Wilson's *Reign of James I.* 684, in Kennet.

† *Parl. Hist.* i. 1121-1148.

be ascertained. In May, 1612, the treasurer died at Marleborough, on his way from Bath, whose waters had failed to reach his malady. It was early in this reign that this much flattered, and much envied minister, wrote the following letter to a brother courtier. 'You 'know all my former steps, good knight; rest con- 'tent, and give heed to one that hath sorrowed in the 'bright lustre of a court, and gone heavily over the 'best seeming fair ground. It is a great task to 'prove one's honesty and yet not spoil one's fortune. 'You have tasted a little hereof in our blessed queen's 'time, who was more than a man, and in truth some- 'times less than a woman. I wish I waited now in 'her presence chamber, with ease at my food and rest 'in my bed. I am pushed from the shore of comfort, 'and know not where the winds and waves of a court 'will bear me: I know it bringeth little comfort on 'earth: and he is I reckon no wise man who looketh 'this way to heaven. My father had much wisdom 'in directing the state, and I wish I could bear my 'part as discreetly as he did. Farewell, good knight.'* If such was the mind of Salisbury amidst all the heyday of seeming prosperity, in 1604, what must have been its state amidst the difficulties of 1612? In that interval, the minister had been the tool in pushing forward every unpatriotic measure that had come under the rebuke of the parliament, 'parting too often,' we may believe, 'with his honesty to save his fortune,' and thus was he deserted by fortune at the last. Of all sorrowers, those who sorrow 'in the bright lustre of a 'court, and go heavily over the best seeming fair 'ground,' are the most pitiable. Such men reap envy in their prosperity, and find small sympathy in their saddest hours.†

* Harrington's *Nugæ Antiquæ*, i. 344-346.

† In about a month after his decease, an observer of the times says, 'The memory of the great lord treasurer grows daily worse and worse, and more libels come, as it were, continually; whether it be that practice and juggling come more and more to light, or that men love to follow the sway

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Affairs from 1610 to 1614.

New oath of allegiance.

More than three years passed before James ventured to assemble his second parliament. During this interval his majesty was chiefly occupied with theological disputes, and with the affairs of his family and favourites. Among the means adopted after the detection of the gunpowder conspiracy, as a further protection against Romanism, was a new oath of allegiance, which exacted from all persons of that faith a renunciation of the power assumed by the pontiffs over the temporal affairs of princes. The person refusing this oath might be deprived of all his property, and imprisoned during his life. Among the writers who undertook to expose the injustice of this new test was Father Parsons, and the great controversialist Bellarmine; and James, who was with difficulty prevailed upon to forego his amusements for the cares of empire, rushed with the utmost ardour into the warfare which he had thus provoked. More than one papal brief described the oath as containing things contrary to faith and salvation; and the majority of the English catholics, scared by the dogmas of theologians who wrote from the shelter of the Vatican, refused compliance with it. But a minority, with Blackwall the arch-priest at their head, dared to avow themselves of another judgment, and made up in station and intelligence, what they wanted in numbers.* James sent copies of his *Apology*

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of the multitude; but it is certain that they who may best maintain it, have not foreborne to say that he juggled with religion, with the king, queen, their children, with nobility, parliament, friends, foes, and generally with all.'—MS. Chamberlain's *Letter*, July 2, 1612, State Paper Office. See to the same effect in D'Ewes's *Autobiography*, c. iv.

* There were some wholesome effects attendant upon the zeal of his majesty, though bearing little on his personal reputation. 'The king's book, in defence of his *Apology*, which he now avers to be his own, is in the press, whereof I have seen part; and therein he little spares the pope or his party, which others do as frankly imitate both in books and preachings, without straining courtesy or mincing the matter any longer. And this is the best effect I can foresee of the king's great pains, which would better become a private man.'—Carleton's *Letter*, March 30, 1609, State Paper Office.

to all the monarchs of Europe. The king of Spain and the archduke declined its acceptance.*

James meddles with the Arminian controversy in Holland.

Undismayed by the very limited success of this attempt, the theological zeal of the king of England disposed him to take part in the controversy going on in Holland at this time between the Arminians and the Calvinists. James, though he had waged a deadly war against the discipline of the Genevan reformer, was still a disciple of that subtle intellect in theology. On the death of Arminius, his chair as professor of theology in Leyden was assigned to Vorstius, a divine of learning and capacity, but decidedly of the Arminian school. James took up the loud complaints of the Calvinists against this appointment, and culled from the writings of the new teacher all sorts of heresies. The states would have spurned this meddling with their domestic affairs, but circumstances led them to try several expedients in the hope of calming the spirit of the royal theologian. In the end, the obnoxious professor was removed from his office. The credit of being the first state in Europe to abolish the barbarous custom of burning men on account of their religion belongs to the people of Holland; but James did not scruple to tell the judges in the case of Vorstius, that should he escape that doom by recantation, it was by no means because such a penalty would have been greater than his offence had merited.†

Death of prince Henry.

While James was employed in directing the weapons of learning and authority against Vorstius, England was called to mourn the loss of the heir apparent to the throne. Henry, prince of Wales, was now in

* 'Neither the publications of James and his divines, nor those of his adversaries, determined the controversy, which continued to divide the Catholics for the greater part of the century. Among those who took the oath, are to be numbered the Catholic peers (they amounted to more than twenty), who, with one single exception, spontaneously took the oath on different occasions in the upper house of parliament.'—Lingard, ix. 105.

† The despatches in Winwood's third volume are full of references to this controversy.

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the seventeenth year of his age. His excellent capacity, his manliness, his courage, and his patriotism, had endeared him to the people, who naturally dwelt, in anticipation, on the nobler position of their country under such a sovereign. His admirers, of one class, saw in him another Henry V.; while his known attachment to the reformed faith was, to another class, the best pledge that his rare ability would be put forth on the side of the best interests of Christendom. The brave and enterprising Raleigh, still suffering in the Tower, had a friend in prince Henry. 'Sure no 'king but my father,' he once said, 'would keep such 'a bird in a cage.' The death of this prince appears to have resulted from fever, brought on by imprudent exercises. On the people, the effect of this unexpected bereavement was such, that their imagination was not to be diverted from suspicion of poison, especially as the carriage of the prince towards his father was known to have been somewhat incautious, if not unbecoming. The king seems to have looked upon him with a mixture of jealousy and fear. But while we acquit James of the atrocious act which the regrets or the disaffection of many among his subjects imputed to him, the circulation of such rumours will hardly appear surprising if it be remembered, that Carr, the rising favourite, was at enmity with the prince; that the king, after his death, forbade persons approaching him in mourning; and that orders were given that the preparations for the approaching Christmas revels should proceed without interruption.*

The king's second parliament, 1614. April.

After the dissolution of parliament in 1610, a variety of expedients were tried in the hope of supplying the wants of the crown by other means. The

* Birch's *Life of Prince Henry*. Somers' *Tracts*, ii. 231-235. *Aulicus Coquinariæ*, 239-251. Winwood, iii. 410. Osborne. Wilson. 'The extremity of the disease seemed to lie in the head, for remedy whereof they shaved him, and applied warm cocks and pidgeons newly killed.' Chamberlain's *Letter*, State Paper Office. *Secret History of the Reign of James I.* appended to D'Ewes's *Autobiography*.

new title of baronet was sold for the fee of 1000*l.*, and the number of purchasers enrolled amounted to about two hundred. All the gradations of rank had their price in like manner affixed to them. It seemed as though the king had determined to employ the vanity of one portion of his subjects as a counterpoise to the parsimony or the patriotism of another. The traffic in monopolies also was renewed, but the hazard which now attached to such contracts did not allow of considerable gain from that source. Two hundred thousand pounds had been obtained by means of the privy seals sent out by Salisbury a little before his death.* One fourth of that amount had been secured as a benevolence, the remainder was to be repaid from the next

* The last Parliament was dissolved on Dec. 30, 1610; a month later we read, 'The privy seals are dispersed everywhere, and the money daily paid is beyond expectation.'—Birch's MSS. In the following November, complaint is made that the number disposed to help the revenue by purchasing the title of baronet are few; and there is talk of raising the price of gold and of issuing some 5000 more privy seals.—MS. State Paper Office. The following extract shows that this talk was not groundless. 'The privy seals begin now (Dec. 18, 1611) to come abroad thick and three-fold. On Sunday was seven-night, most of the strangers were greeted with them in the form of letters as they came out of church, a course, in my opinion, not so well taken, doing that in view and sight of all the world, which might have been better done by delivering them to every man privately at home.'—Chamberlain's *Letter* in Birch's MSS. In the following year, some spasmodic efforts were made to abridge the household expenditure. 'There is purpose to put down all the great tables in court, without any manner of allowance in lieu of it. Some speak of the meaner tables also; but men will not be well able to attend without meat and drink, or some allowance for it. Many speak that there will be a cessation of the payments of all pensions and annuities for one year.'—Ibid. *Letter*, July 30, 1612. 'You may think we have come to a low ebb, when the last week, the archduke's ambassador was carried to see the ancient goodly plate of the house of Burgundy, pawned to queen Elizabeth by the general-states, and to know whether his prince would redeem it, *for otherwise it was to be melted.*'—MS. *Letter*, March 11, 1613, State Paper Office. 'Your neighbour, Buckshaw, hath lain this month or five weeks in the Marshalsea, with six or seven of his companion brewers, because they will not yield to have their drink taken to the king's service without money, as the king's brewer cannot get a groat of 16,000*l.* that is owing to him for beer.'—*Letter*, Feb. 16, 1614.

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supplies voted by parliament. The nerves of the king were shaken by the bare mention of another parliament. What prevailed most with him in thinking of another experiment of that nature was, the assurance of Somerset and others that they would undertake to influence the elections through the kingdom, so that the house of commons in the king's second parliament should be much more manageable than the one which had preceded it.

The 'undertakers.'

But these persons, who from their proffered services obtained the name of 'undertakers,' soon ascertained that their purpose had become generally known, and that their instances of success were few, compared with those in which the resentment provoked by their interference had led to a result greatly adverse to their purpose. In past ages, the influence of the sheriff in elections had generally been great, and that influence was too often at the disposal of the court. But other times had now come. The constituencies were possessed with a spirit of independence, so much so, that in the face of the utmost influence on the part of the king and his ministers, a house of commons was returned even more uncourtly than that which, three years since, had been dissolved as exacting terms which the king was by no means disposed to grant.*

The king's speeches to the parliament.

James had not to wait for the meeting of the two houses to ascertain that the undertaking of his ministers had proved a failure. In the opening of parliament, accordingly, his majesty was careful to disclaim all connexion with proceedings so much beneath the

* 'Here is much bustling,' says a contemporary, 'for places in parliament. Letters fly from great personages extraordinarily. But, methinks, they do the king no great service, seeing the world is apt to conceive it a kind of packing. The returns of knights for divers shires prove every day more litigious. Sir John Cuth and Sir Thomas Chichely have carried it in Cambridgeshire. Yesterday came the news that Sir Maurice Berkeley and Mr. Pawlet have done the like in Somerset, contrary to the Master of the Rolls, and most men's expectations.'—Chamberlain's *Letter*, March 3, April 7, MSS. State Paper Office.

dignity of a sovereign as the influencing of electors; and his language was characterized by a tone of conciliation which sufficiently indicated his apprehension as to the probable course of the new house of commons. James assured the two houses that his 'natural affections were like the redness of his heart, 'his integrity like the whiteness of his robe, his 'purity like the metal of gold on his crown, and his 'firmness and clearness like the precious stones he 'wore.'* The truth of the assurances thus fantastically expressed was affirmed as usual by an appeal to the Almighty. His majesty would henceforth show himself 'contrary to all tyrants, who love not advising 'with their subjects, but hate parliaments.' Nor should it be his fault if the history of the present parliament were not such as to entitle it to the name of the love parliament. The king also gave expression to some just sentiments concerning the impolicy of religious persecution, but sentiments with which his own temper and practice were not often in accordance.

James dictates a course to the commons.

The great point of solicitude with the commons was the redress of grievances. But the king had informed them that he should no more treat with them 'like a merchant, by way of exchange;' that his pleasure was that they should make the voting of supplies their first business, leaving matters of grievance—the discussion of which would consume much time—to a future session.† The history of the last house of commons, and the character of the present, should have sufficed to prevent the slightest expectation that such a course would be followed. To this preliminary interdict on the subject of grievances, the total failure of the court policy in relation to this parliament must be attributed.

Which the commons do not follow.—Proceedings about the 'undertakers.'

The commons, in place of acting on his majesty's instructions, began to inquire concerning the doings of the 'undertakers.' They would look into 'all the

* *Parl. Hist.* i. 1150. † *Letters*, May 28, 1614, Birch's MSS.

'indirect sources used' to ensure 'undue and unlawful elections.' The chancellor of the duchy of Lancaster was convicted of offence in this form. His letters were read in the house. The result was his expulsion, and the issue of a new writ for the county of Berkshire. We know not how far these proceedings would have extended, had not Sir Henry Neville placed himself in the breach, and by confessing something concerning 'the original of undertaking;' and by the utterance of some skilful words, calmed the passions of the assembly. Nearly a month was consumed in discussions on this irritating topic.*

Discussion on impositions.

From this subject many members would have proceeded to a general consideration of grievances. It was deemed most advisable, however, to limit inquiry to that master grievance, the imposition of taxes on merchandize without consent of parliament. We learn from a member of the house that Sir Henry Bolton made a very 'mannerly and demure speech' in favour of such imposts, 'alleging Spain, France, and Italy 'for examples,' and that in this track he was followed by Mr. Secretary Winwood, Sir Thomas Lake, and other members of the government; Lake reminding the house of the 'many millions' secured to the kings

* *Parl. Hist.* i. 1150-1158. The last house had complained that the king had issued proclamations which trenched on the law. James now said, 'I did never intend proclamations to have the force of law, but to prevent mischief arising where the law hath no provision, until a parliament can provide.' His majesty also shrewdly remarked, concerning grievances, that 'to heap them together in one scroll, like an army, would but cast aspersion upon himself and his government, and would savour more of discontent than of a desire of reformation.' The more fit way would be, that every man should present to the king the grievance 'of his country or town' apart, and that his majesty should be left to provide more general remedies by originating bills for that purpose himself in either house. It was manifest from this language, that the king wished to preclude the commons from any conjoint or independent action on the subject of grievances, either now or in the time to come. He would divide and conquer. In fact, he would reduce the English house of commons to the condition of the Tiers Etat of France, that in the end such troublers of the royal peace might be dispensed with altogether in England, after the example of neighbour kingdoms.

of France by their impost on salt. But it was replied that 'Englishmen were to be governed by their 'own laws, not by the laws of other countries; that 'the exactions mentioned were *de facto* rather than *de* '*jure*—as might be gathered from the history of those 'states; that they were evils which had come to their 'height, because those nations had seldom or never 'had any parliament or assemblies; and that as for 'Italy, its states were only so many petty tyrannies.' Sir Edwin Sandys went further, and Sir Thomas Wentworth, member and recorder for the city of Oxford, further still. Spain, said the latter, has reaped the natural fruit of laying such burdens on her subjects in the loss of the Low Countries; and the fate of the kings of France who had been most earnest to possess themselves of this kind of power, had been to die 'like calves under the butcher's knife.'* It was also said that while not more than half a dozen instances of meddling with such imposts could be adduced from the time of Elizabeth, they could now be enumerated to the extent of as many scores.†

It was proposed that a conference should be sought on this question with the upper house. Neile, bishop of Lincoln, urged the lords not to comply with this request. His lordship insisted, that to levy imposts at will on the property of the subject was a right inherent in the crown; and that no man could question that principle without questioning the only true foundation of monarchy, and verging upon sedition. On two successive days the bishop indulged in discourse of this nature, and went so far as to say that the 'lower house was known to be composed of such tur- 'bulent and factious spirits, that should their lord- 'ships give way to a communication with them, they 'were likely to hear such mutinous speeches as were 'not to be listened to by such honourable persons.'‡

* MS. May 26, 1614, State Paper Office. Domestic Series.
† Ibid. *Letter*, May 26. ‡ Ibid.

But the commons were close observers of these proceedings. They would hear of no business until the 'foul blot' which had been thus cast upon their reputation should be wiped away. Not a member of the government ventured a word in defence of the bishop, or in extenuation of his fault. The lords, after a little hesitation on a matter of form, brought the offender to his knees before them, where, with tears, he is said to have confessed his errors.

On the question upon which the bishop had so spoken, the government sought the opinion of the judges. But in this instance, from having the fear of parliament before their eyes, or from some higher motive, their lordships did not deliver the judgment which the crown had virtually demanded from them.

The king's debts.

The king's debts at this time amounted to twelve hundred thousand pounds; two-thirds of which had accumulated since the dissolution of the last parliament. Weakness had characterized every plan devised by the government. It was only consistent with its general character that it should have expected the representatives of the nation to relieve it from such a state of embarrassment and to leave the whole question of grievances to a future day. Secretary Herbert spoke of these pecuniary difficulties as rendering the kingdom 'a contempt and scorn in all other 'parts.' The chancellor offered the particulars of the royal debts to the private inspection of the members. But the house occupied itself with bills on a variety of subjects, to the neglect of the great question of

June 5.

supply. When two months had thus passed, James sent a message, threatening to dissolve the parliament if his wishes should be any longer slighted. The house immediately formed itself into a committee, and began to deliberate on the best means of meeting the claims of the government, without sacrificing the

Dissolution of the parliament, June 7.

interests of the people. But the next day, to the surprise of the commons, the king carried his threat into execution, and dissolved the parliament by commis-

sion. So what was to have been a 'love parliament' acquired the name of the 'addle parliament,' not a single act being passed in it.*

All prospect of harmony between the crown and the nation now seemed to be at a further remove than ever. The maxims of the court, and those which had become prevalent among the people, and which were made to find expression through their representatives, proved to be directly at issue. Both parties had clearly become committed to a conflict, and a conflict the issues of which no man could venture to predict.†

Members imprisoned.

A circumstance which promised to render this struggle still more determined, was the conduct of James in subjecting several members, immediately after the dissolution, to imprisonment, on the pretence that they had used undue liberty of speech during the discussions in parliament. Had this been the fact, the correction of such excesses pertained to the house, and not to the king. But the real delinquency of these persons was the popular character of their principles and conduct. Sir Edwin Sandys, in denouncing the servile teaching of such men as the bishop of Lincoln, had not hesitated to declare 'that all kings 'were originally elective, except such as came in by 'the sword, whom, for that reason, it was lawful to 'expel by the sword whenever the people had the 'power to do it.'‡

* *Journals*, 471. *Parl. Hist.* i. 1149-1167. *Reliquæ Wottonianæ*, 43.

† It was said at the time that 'there was a plot discovered to overthrow all orderly proceedings in this parliament, and to make it utterly void by insisting on dangerous points. . . . . Now if it be asked, why they should take this course, and *cui bono?* you must understand there was much ado and great dispute before a parliament could be procured; and the contrary part, to make good their opinion, sought by all means to embroil it and bring it to nothing.'—Chamberlain's *Letter*, State Paper Office, vol. lxxvii. No. 53. We have this statement from a sober-minded authority, and it seems probable that there were courtiers both in and out of parliament who pursued a policy of that nature.

‡ *Parl. Hist.* i. 1149-1167. *Reliquæ Wottonianæ*, 431-435. Some fourteen names are given us, those of men who were summoned before the council, and many were put under some restraint or sent to the Tower.

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Relation of parties in 1614.

It was not to be denied that the debts of the government were to a large extent legitimate, such as an English parliament should have been prepared to meet. The army, the navy, the functionaries of the state, the purveyors to the king's household, all were in arrears, and clamorous for payment. But there had been great extravagance, and there would probably be more. Distrust of the system, or rather of the no system, of the government, had become inveterate. To grant large supplies without special securities, and without touching existing disorders, would have been, in the judgment of the commons, to desert their most obvious duty to their constituents and to the country.

Immediately after the dissolution of parliament, the bishops 'agreed among themselves to give their best piece of plate, or the value of it,' as a benevolence to the king. Many lords followed their example. The highest sum contributed was 300*l.* Some of the judges 'sent but twenty, which was refused.' Letters were despatched to the city, and to all the provinces, calling for similar expressions of loyalty.* Among the projects of this juncture was a large sale of forest and other lands; and, above all, a decision to levy a fine on all buildings raised within seven miles of London since his majesty's accession, in violation of the royal proclamations which had been issued on that subject. This last measure called forth loud complaints, especially as extended to so wide an area. The pretence of checking a too dense population about the capital, became absurd as applied to a multitude of houses which were in open spaces, many of them detached and with lands about them. But, in defiance of all the clamour thus raised, the whole council sat in commission in Guildhall in prosecution of this scheme. Among the new imposts levied in the name of the king was a new tax on malt, and on every barrel of beer sent out by the brewers. All these illegal pro-

* MS. *Letter*, June 30, State Paper Office.

ceedings were denounced as only the beginning of evils. If proclamations might be so used in relation to buildings, why not in relation to many things beside? 'What,' it was said, 'shall hinder to impose 'two shillings as well as two pence on commodities, 'if necessities grow as they begin.'* Yet, after twelve months employed in this manner we find a courtly authority writing—'You may imagine our ability to 'assist our friends abroad, when we have not means 'to discharge ordinary and necessary expenses at home, 'and that continual clamour and importunity cannot 'procure ambassadors entertainments, that are so far 'in arrear. Still there are promises that they shall 'be supplied, and days appointed from week to week. 'Yet no payments come, nor any appearance whence 'they should come.'† Gradations in rank, from simple knighthood upwards, were disposed of in the most business-like manner, for fixed sums of money, varying from 1000*l.* to 10,000*l.* The king often paid his debts to the men about him by empowering them to sell such distinctions if they could only find purchasers.‡ In the midst of all this we read 'the king 'hath borrowed 30,000*l.* of the aldermen of London; 'but what is that among so many who gape and 'starve after it? All manner of projects are still 'on foot, but the new buildings bring in most 'profit.'§ After eighteen months of such rule, we read of his majesty as attempting to negotiate with the aldermen of London for the loan of 100,000*l.* on

* MS. *Letter*, Oct. 12, 1614, State Paper Office.

† MS. *Letter*, May 30, 1615, State Paper Office.

‡ 'The king created Sir John Holles baron of Haughton; Sir John Roper baron of Tenham. This money (10,000*l.*) was presently delivered to lord Hay, for that he could not move till this weight set his wheels agoing.'—*Letter*, June 20, 1616. 'I heard yesterday, that secretary Winwood hath contracted with your kinsman, Sir William Cope, to make him a lord, and so shall get the other 5000*l.* promised him. The remainder of the price of that barony shall serve to other uses.'—*Letter*, Sept. 3, 1616, State Paper Office. Also *Letter*, June, 22, 1616.

§ MS. *Letter*, July 20, 1615, State Paper Office.

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the crown jewels, and for a like sum to be advanced by the farmers of the customs. But both efforts were beset with difficulties.* The cautionary towns held from the Flemings were given up. Some even among the council were opposed to that proceeding, as a national dishonour, and would leave so grave a question to the decision of a parliament. But the answer was, that the honour must bend to the necessity—the government was too poor to sustain garrisons in those places, or to forego the price that would be paid for the surrender of them.† And after all, men say, 'the lord treasurer is gone to Audley End as much to 'avoid the importunate claimants for money, as for 'recreation.'‡ So matters proceed from year to year, every new expedient being something more desperate than the former, because every new exigency is deeper than the last. Monopolies in trade, of which not more than eight or nine existed on the death of Elizabeth, now grew to be so many as hardly to be numbered, crippling traffic, and raising the price of commodities, in nearly all directions.§ Such were the features of the English government, in its financial aspects, from 1614 to 1621.

Inasmuch as nothing was done in the parliament of 1614, it may be said, that under James I. England was governed during ten years without a parliament, and the facts stated will suffice to indicate the character of the financial policy of the king and of his ministers during those years. In this interval also, there are a few other matters that should not be entirely passed over.

Martyrdom of Legate and Wightman.

James, while zealous in the cause of Sunday maypoles, was by no means inclined to abolish the stake as the punishment of error in opinion. His majesty's

* MS. *Letter*, Jan. 18, 1616, State Paper Office.
† MS. *Letter*, April 6, 1616, State Paper Office.
‡ MS. *Letter*, Dec. 7, 1616.
§ MS. *Letters*, July 8, 1620; March 3, 1621, State Paper Office.

less gloomy Protestantism did not prevent his sending Bartholomew Legate, and Edward Wightman to the flames, because they rejected the doctrine of the Trinity, and avowed some other heterodox tenets. But the people showed that their sympathies were with the sufferers and not with their prosecutors. This was the last barbarism of that kind to have place in our history. The law, however, which doomed heretics to be burned, was not erased from our statute book until after the Restoration. It should be added, that the king's new oath of allegiance cost some conscientious Catholics their lives.*

Fuller's protest against the power assumed by the high commission court.

Nor was it against heresy and alleged treason merely that the king could be severe. A clergyman and a merchant in Yarmouth had dared to be present at a private service conducted by a nonconformist minister after the hour of morning service at church. The Court of High Commission sent the offenders to prison, and denied them the privilege of bail. The prisoners by claiming their writ of *habeas corpus* extorted the justice of an open trial, when Mr. Nicholas Fuller, a bencher of Gray's Inn, presented himself as their advocate. Fuller demanded that the accused should be discharged, urging that the usage of the Court of High Commission, in fining and imprisoning his majesty's subjects, and in administering the oath *ex-officio*, was chargeable with violating the laws of

* *A True Relation, &c.*, at the end of *Truth brought to Light.* 'Some lawyers are of opinion that we have no law to execute heretics; yet he (the king) will adventure to burn them with a good conscience.'—Chamberlain to Carleton, Jan. 29, 1611, State Paper Office. The memorable John Hales, of Eton, in a sermon delivered at St. Paul's Cross, in this reign, observed, 'I could wish that it might be said of the church, as was sometimes observed of Augustus—he had been angry with, and severely punished, many of his kin, but he could never endure to cut any of them off by death.' And he adds, 'the crown of martyrdom sets not only on the head of those who have lost their lives, rather than they would cease to profess the name of Christ, but on the head of every one who suffers for a good conscience.'—*Works*, i. 71, 98.

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the realm. James sent the brave man to prison, and his imprisonment ended only with his life.*

Oxford and passive obedience.

According to the teaching of Oxford in that age, in doing such things, his majesty did no more than he should be allowed to do. In 1622, that university required all its graduates to declare, that to take up arms against a king is unlawful under any pretence whatsoever. So encouraged, James, by proclamation, interdicted all preachers from attempting 'to declare, 'limit, or set bounds to the prerogative, power, or 'jurisdiction of princes.'

Coke loses favour at court.

When the king, having abruptly dissolved parliament, called upon his subjects to supply his wants in the way of benevolence, Coke described the project as illegal; and though he was afterwards induced to concur in a different opinion, his first decision was generally accounted as his real judgment. By that judgment he was supposed to have done much injury to a scheme on which the king and his ministers were depending as their last hope.

St. John.

Mr. Oliver St. John, member for Marlborough, denounced this measure of the government as unconstitutional, and did so in very offensive terms. That others might be deterred from following such examples, St. John was sentenced in the Star Chamber to imprisonment in the Tower, and to a fine of 5000*l.*†

Peacham.

An aged clergyman named Peacham, well known

* James looked on his power through the commission court with no less affection and jealousy than Elizabeth. In his majesty's judgment even Bancroft was not so prompt as he should have been in punishing this poor barrister.— MSS. State Paper Office. Domestic Series, xxviii. No. 51. Neal, ii. 39, 115-118. Fuller's *Church Hist.* v. 400, 401.

† Mr. Dixon says, that St. John alleged that the king by soliciting money in this manner, had committed 'a perjury more gross than that for which more than one English monarch had lost his crown' It was, indeed, a benevolence, and not a loan that was sought; but it can hardly be said to have been unreasonable to describe even such an appeal as made by the king to the nation as unlawful, and not in accordance with the coronation oath. All such appeals were in the nature of demands, and the recusants were liable to punishment.—*Personal History of Lord Bacon*, 185-190.

in Somersetshire, was committed to prison on the charge of slandering his bishop and other persons. On search being made among his papers, the charge of libel rose into a charge of treason. For among those papers was a manuscript in which the king and the prince of Wales were denounced as men whose evil ways might be expected to bring upon them some signal judgment from Heaven. It was concluded that language so extraordinary seemed to imply the existence of some traitorous confederacy. Being put to the rack, Peacham named several of the gentry in his neighbourhood as being acquainted with what he had written and as approving it. The character of the man was bad. His testimony was contradictory, and manifestly false. But the chief justice found defamation only in his language. He could not pronounce the offender guilty of treason. James was greatly excited. 'If matters are to take this course,' said his majesty, 'happy then are all desperate and seditious knaves; 'but the fortune of the crown is more than miser-'able.'* In the issue, Peacham was condemned as a traitor; but it was deemed less odious that he should be allowed to die in prison, than that he should be brought to the scaffold.†

Owen.

In the same year a prosecution was commenced against a Catholic named Owen, who was charged with having affirmed that a king excommunicated by the pope might be lawfully deposed, and even put to death by any one. Owen pleaded that in England it could not be treason to speak thus, inasmuch as James had not been excommunicated. Coke at first admitted the justice of this plea, and so placed himself again at issue with the king and the judges.‡

Coke and the chancery.

About the same time there were proceedings in con-

* Dalrymple's *Memorials*, i. 54-65.

† Howell's *State Trials*, ii. 870-879. Bacon's *Works*, v. 336; vi. 78-87. Dixon's *Personal History of Lord Bacon*, 190-202.

‡ Howell's *State Trials*, ii. 879-893.

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nection with the Court of Chancery which became the occasion of further trouble to the chief justice. Coke was always jealous, as became him, for the honour of the common law. It happened at this juncture, that a judgment in the King's Bench was questioned in the Court of Chancery. The parties to that suit were required to answer certain questions on oath, after its manner, by the Chancery court. Coke maintained that this proceeding was a violation of the præmunire statute, which especially prohibited the removal of causes from the king's court to any other. It would have been difficult perhaps to have sustained this allegation, inasmuch as the prohibition in that statute had respect to courts acknowledging authority beyond the limits of the kingdom, and especially to the court of Rome. But James, acting on his usual policy, sided with the chancellor, and against the common law, and Coke found that he had given further umbrage.

James and the commendam case.

About the same time, a proceeding in the Court of King's Bench led to a similar result. A benefice had been granted to a bishop in *commendam*—that is, to be held along with his bishopric. The counsel who pleaded in this case, questioned the power of the king to make such a grant. James sent a letter to the court by the attorney-general, prohibiting any further proceeding in the cause until he should himself have spoken concerning it. Coke requested that a similar letter might be sent to the judges of all the courts. This was done. The judges then assembled, and in a letter subscribed with all their hands, their lordships certified his majesty that they were bound by their oaths not to regard any letters that might come to them contrary to law, but to administer the law notwithstanding; that they held the attorney-general's letter to be contrary to law, and such as they could not yield to; and that they had proceeded, according to their oath, to argue the case. James came speedily from Newmarket to London. Summoning the judges

before him, he denied that their oaths bound them to proceed in a case, when the king, in the exercise of his prerogative, required them to desist. 'Of late,' said his majesty, 'the courts of common law have 'grown so transcendant, that they not only meddle 'with the king's prerogative, but have encroached on 'all the other courts of justice.'*

This manifest solicitude to discard the restraints imposed by the law and usage of the land, and to make the will of the sovereign supreme, did not tend to satisfy the chief justice that the course he had taken in this instance had been a wrong one. The judges, indeed, were cowed into subjection by the wrath of the king. But Coke remained unmoved. To an ensnaring question put to him, he deigned no other reply, than that when such a point came legally before him, he should be prepared to decide upon it as became him.

Coke is deprived of office.

As the result of this succession of incidents, Coke was first suspended, and then removed, from his office as chief justice.† This was in 1616, but in the following year Sir Edward gave his daughter in marriage to Sir John Villiers, brother to the duke of Buckingham, and the large fortune of the daughter smoothed the way in the course of the next year for the return of the father to a seat in the privy council.

The Star Chamber.

James complained of the common law courts as threatening to leave no space to any power beyond

* Hallam, i. 371-375.

† Coke was summoned several times to answer concerning certain things in his reports. He reduced twenty-eight exceptions to five, which were left to be considered by the king. And we are told—which we can easily suppose—that it was not the least part of his humiliation to be convented on these points before such judges as sargeant Crew, sargeant Montagu, and sargeant Finch, the attorney (Bacon), the solicitor (Sir Henry Yelverton), who are held no great men in law. And withal, to find such coarse usage as not once to be offered to sit down, and so uncivil carriage from the lord chancellor's men, that not one of them did move a hat or make any other sign of regard towards him.—MS. *Letter*, Oct. 26, 1616, State Paper Office. But the reader has seen that Somerset's business gave the first move to this downward course in the affairs of the chief justice.

themselves. But his subjects made the same complaint, and very justly, concerning his majesty's use of the court of Star Chamber. In that court proclamations had the force of law, so that the king administered law there which had emanated purely from his own authority. In this manner the constitution was virtually superseded. The legislative and executive power was centred in the sovereign. In all these proceedings James had his adherents, men who descended to echo some of his worst maxims. But the feeling and strength of the nation had passed from him. 'Indeed,' says a writer of the time, who was himself no purist, 'the world is now much terrified by the Star 'Chamber, no offence against a proclamation being so 'little but that it is liable to the censure of that court. 'As for proclamations and patents, they are become 'so ordinary, that there is no end, every day bringeth 'forth some new project. In truth, the world groans 'under the burden of these perpetual patents.'*

Free speaking in society.

But if men wrote thus in letters, we may be sure they talked thus at their dinner-tables, by their firesides, as they met on the promenade within St. Paul's, and in the taverns and theatres of the capital. And such utterances, coming thus freely from the educated, would come more freely still from the ruder multitude as they loitered about Ludgate, or strolled through 'Cheap.' In fact, James and his ministers knew the case to be thus, and the knowledge was not a little mortifying to them. Hence we read—'There 'is out a new proclamation against lavish and licen-'tious talking on matters of state, either at home or 'abroad; which the common people know not how to 'understand, nor how far matters of state may extend, 'for they continue to take no notice of it, but print 'every week, at least, all manner of news, and as strange 'stuff as any we have from Amsterdam.'† Somewhat later we read, 'Proclamation is published inhibiting

* *Letter*, Aug. 4, 1621, State Paper Office. Domestic Series. † Ibid.

'all speeches of grievances, and saying, that upon 'any open, just cause, persons may freely repair to the 'Lord Commissioners at Whitehall, where two or 'more of them shall sit, at least once a week, to re-'ceive complaints, and relieve the wrong, but severely 'punish causeless clamours.'* To preclude all vent of the common feeling of discontent was seen to be impossible, and it was hoped by this means to draw it off to an artificial outlet, where it might be harmless, in place of leaving it to the many natural channels which it had chosen for itself, and where it would not fail to be injurious.

So did the seeds of change seethe in the heart of the nation, and sometimes come to the surface. The king could not conceal from himself that as his years increased his power lessened—that his arbitrary acts were the convulsive efforts of an expiring strength.

But if James had his difficulties, those of his daughter, and of her husband the elector, were much greater. At this time, the balance of power between the Catholic and Protestant confederacies of Germany, was a point of common interest, from its relation to the balance between the two great parties over Europe. The Puritans of England felt the cause of the Elector as their own. It was presumed, accordingly, by the government, that the popular pretext of a war against an advancing Romanism would suffice, in the event of assembling another parliament, to hush differences, to conciliate the disaffected, and to secure liberal supplies. The money so obtained might be applied in part to the intended war, but in part also to meet the pressing exigencies of the government which had arisen from causes of another description.†

Proposal to convene another parliament.

James shared but imperfectly in these pleasant expectations, and was agitated by conflicting thoughts. Nothing, in fact, could be more contradictory or piti-

James has little hope.

* *Letter*, Feb. 28, 1623, State Paper Office. Domestic Series.

† Rushworth, i. 5-55. Bacon's *Works*, v. 531-532.

able than the conduct of the king on this harassing subject. His notions concerning the inalienable right of kings, which his son-in-law was supposed to have violated; his dread of anything that looked like the approach of war; and his special solicitude to avoid the appearance of collision with Spain or Austria, were all opposed to the policy urged by his subjects, and to the natural feeling which bound him to care for the interest of so near a branch of his family. It is also well known, that the popularity of the elector with the more sturdy class of English Protestants, made him an object of some jealousy, and even of apprehension, both to the king and to the prince of Wales. The action of all these causes, on a mind the weakness and vacillations of which were becoming daily more manifest, so affected the language and proceedings of the king in regard to this question, as to provoke ridicule in every circle, from the highest to the lowest.

James rendered some service to the elector by suffering troops to be raised, by encouraging a loan in the city, by pledging the crown jewels, and by sending ambassadors in his favour to Turkey, Denmark, and Poland, assuring all these powers that 'the Spanish alliance should not prevent him from assisting 'the palatinate.' All this, however, was done with as much secrecy as possible. But Gondomer was not a man to be deceived by any device possible to the mind of James. He made passionate complaints about the course of affairs. The king laid the blame of what was done on his ministers, especially on Buckingham, and said,—'The Palatinate is a wicked man, an 'usurper. The confederate princes implore my assist-'ance; I give them, however, my royal word of honor 'that I will not bestow it.' Gondomer is to write as much to the king of Spain. 'And yet he has, in the 'terms of the Protestant alliance, promised the direct 'contrary to baron Aume.' * In the meanwhile, 'au-

* Tillieres, in Raumer, ii. 243-246.

'dacious language, offensive pictures, calumnious pam-
'phlets, those usual forerunners of civil war, become
'common, and symptoms of the bitter temper of
'men's minds.' *

Such was the state of popular feeling when the defeat and exile of the elector constrained James to listen to those who urged that if the stormy discontent of the nation was to be allayed, and the royal coffers were to be replenished, it must be by convening a parliament.† The speech from the throne was intended to allay the feeling which the illegal and oppressive conduct of the government during the last ten years was known to have excited. But the effect of ten years of weak and vicious administration was not to be so readily neutralized. Even now, the commons would not look abroad until they had looked at home. On the dissolution of the last house, certain members had been questioned by the privy council touching their conduct in parliament, and Sir Edwin Sandys had been imprisoned. In approaching this subject, it was not denied that there were instances in which the royal power had been thus exercised by some of his majesty's predecessors; but it was maintained

Parliament of 1621.

* A book intitled *Vox Populi* was published at this time by a clergyman named Scot, which exposed the mischievous influence of Gondomer over the king with great fulness and ability. James was greatly irritated, and the ambassador himself was so much alarmed, that he placed a guard about his house. When he moved abroad in his horse-litter, the people heaped loud curses upon him. In one instance a brick-bat was thrown at him. Now it was that the king issued his proclamation forbidding his subjects to discourse on public affairs. 'Another fruit of Gondomer's influence,' was the comment. Guards of soldiers were placed in different parts of the city to protect this man against the resentment of the people. In the following year it was deemed prudent to recall him.—D'Ewes's *Autobiography*, i. 159, 160, 161-168, 187, 211.

† James's proclamation, convening the parliament, was full of counsels to the electors concerning the sort of men they should or should not choose. It disclosed, clearly enough, that the anxiety of the king was, that a house might be returned which would vote large supplies and give little trouble. Puritans and 'wrangling lawyers,' were especially to be rejected.—*Parl. Hist.* i. 1169.

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that such interference with the freedom of parliamentary debate had been contrary to law, and that unless the right of the commons to be the sole judge in regard to the parliamentary conduct of its members should be preserved inviolate, the liberty said to be secured by the constitution would be a mere dream. James valued few things more than the particular exercise of power thus censured; but at this moment it was deemed prudent to assure the house that in future nothing should be done in contravention of its full liberty of speech.*

The settlement of this point was followed by a vote of two subsidies, which though by no means equal to the wants of the government, was received with expressions of pleasure by the king as the earnest of good affection. So far too was his majesty from wishing any real grievance to be continued, that he would willingly do more than meet his subjects half-way for the purpose of removing every ground of complaint. The house accordingly proceeded to appoint a committee on the subject of grievances. The first evil brought under review was the old one—the evil of monopolies. The rapacity of the government in this respect, and its disastrous influence on trade, were laid bare. But special attention was directed to the licences of alehouses, the inspection of hostelries and inns, and the manufacture of gold and silver thread. The prominence given to these instances, however, was not because they were really more flagrant than many others, but from the circumstances that the patentees—Sir Giles Monspesson and Sir Francis Mitchell—had been the known creatures of Salisbury.

Grievances —monopolies.

Impeachments.

That the fate of these persons might act as a terror in the case of a multitude of offenders, it was resolved

* *Journals*, 522. Debates in 1621, pp. 151, 174, 200. *Parl. Hist.* i. 1302. Grieved by the success of the Catholic confederates against the elector, the house called for a more rigorous enforcement of the laws against the Catholics at home, in chastisement of 'their making bonfires and rejoicing at it.'—*Parl. Hist.* i. 1184.

to proceed against them by way of impeachment, the commons becoming the accusers of the delinquents before the upper house. This course of proceeding was first resorted to in the case of lord Latimer, in 1376, but had fallen into disuse since 1449, when it was adopted in the case of the duke of Suffolk. From that time to the present, it happened that this constitutional action of the commons had not been resumed, partly through the impaired influence of the lower house, but mainly from the inclination of our Tudor princes to dispose of such delinquents by means of a bill of attainder. Nor was there on this occasion a due observance of all the forms of an impeachment. But the commons are described as presenting themselves with much ceremony at the bar of the lords, while their lordships pronounce a sentence which subjects the accused to fine, imprisonment, and loss of knighthood. In the same manner the house proceeded against Field, bishop of Llandaff, on a charge of bribery; against Bennett, judge of the prerogative court, on the charge of corruption in his office; against the attorney-general Sir Henry Yelverton, and against a much greater man than any of these—lord Bacon, on the same grounds.*

* *Parl. Hist.* i. 1178-1270. All the persons above named were, no doubt, justly convicted of corruption and bribery according to our ideas on such matters. But it should be remembered that it was one of the bad features of the administration of affairs in this country during the whole reign of James I. that almost every man holding a lucrative position became possessed of his office by purchase—often by a very heavy purchase. The natural consequence followed. What has cost much must be made to yield much. Not only were fees of all kinds kept at their maximum, but bribery under all sorts of disguises, and often without any disguise at all, spread itself everywhere, from the highest official down to the lowest subordinate. Sir Henry Montague, lord chief justice, was believed to have paid 20,000*l.* as the price of his office as lord treasurer.—Wilson's *James I.* Sir Ralph Winwood was one of the gravest and most honourable men of his time. The earl of Somerset reproached him with having disclosed some unpleasant things touching the countess of Essex, reminding him that it was through his influence that he had obtained his office as secretary of state. Sir Ralph replied—'In regard to my office, I owe that to the 7000*l.* which I

The question of impositions again raised.

Hitherto, the conduct of the government in levying duties at the ports without the consent of parliament, did not seem to have attracted much attention; and so long as that point remained in abeyance, James could profess himself satisfied with what had been done. But the existence of several committees, employed with the utmost assiduity in searching out abuses, with the full intention of inflicting severe penalties on the instruments which had been employed in giving them existence, was an alarming aspect of affairs to a government whose proceedings had been to so great an extent irregular, and through so long an interval. It was in the hope of being able to lessen the amount of exposure thus threatened, and if possible to dispense with further assistance from parliament, that Buckingham urged the king to adjourn the two houses for several months. James acted upon this advice.

Parliament adjourned, June 4.

The commons were taken by surprise. To secure purity to the administration of justice, and to remove evils which had weighed so heavily on the commerce of the country, were highly laudable employments. But it was no less true that the constituencies of the country expected them to assist the elector, and that they could not be said to have so done. Before separating, accordingly, it was resolved unanimously, that should the prince palatine be in circumstances to need the aid of this country when the house should again assemble, the lives and fortunes of the people of England should be devoted to his cause, the same being the great cause of Christendom. Such was the enthusiasm—the acclamation with which this resolu-

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paid for it; and as to the disclosure, the safety of my life and conscience required it should be made.—D'Ewes's *Autobiography*, i. 70. D'Ewes himself informs us, and as of a matter to which no sort of discredit attached, of the 5000*l.*, or thereabouts, which his father paid for his office as one of the 'six clerks'—Ibid. 177. It was an age in which neither menials nor principals shrunk from such practices, and in which Bacon, and still less the servants of Bacon, could not plead innocence in respect to them. Everything connected with the government that could be sold was sold.

tion was carried, that Sir Edward Coke advanced to the middle of the house, and there read aloud the collect for the king and the royal family, tears falling from his eyes as the house seemed to blend the ardours of patriotism with the sanctities of religion.* June 4.

The excitement now everywhere manifest was such as England had not witnessed for many years. Foreign ambassadors are generally shrewd observers of political affairs in the countries where they reside, and their despatches at this time show that they regarded England as on the eve of some violent change. Buckingham, as James had predicted, became alarmed by the succession of impeachments. The aim of the malcontents, he insisted, disguise it as they might, was against every man in power, and against the crown itself. It would be well, therefore, if possible, to get two more subsidies from the parliament, and then to dissolve it. This discoursing of the favourite on the one hand, and the fear of the parliament on the other, 'caused the king to play all sorts of parts. Sometimes 'he swore, and denied his Maker (*reniant Dieu*); then 'he laid his length upon the ground, and declared he 'wished to die, also that he saw well that the par-'liament would be his death; then he wept,'—and finally, said he would go and throw himself on the protection of the upper house.†

But the danger of dissolving the parliament seemed to become the more formidable the more nearly it was contemplated. It was determined, accordingly, to employ the recess in correcting such abuses as were expected to engage the attention of the commons at their next meeting. Many obnoxious patents were abolished. Something was done to improve the coin, and to pro-

* 'This motion was entertained with much joy, and a general consent of the whole house, and sounded forth with the voices of them all, withal lifting up their hats in their hands, as high as they could hold them, as a visible testimony of their unanimous consent, in such sort that the like had scarce ever been seen in parliament.'—*Parl. Hist.* i. 1294, 1175-1295.

† Tillieres, in Raumer, ii. 267.

tect and encourage the commerce of the country. Nor were the necessities of the elector overlooked. Negotiations were vigorously prosecuted in his favour, and considerable sums were sent to his assistance. But these wise measures were coupled, as usual, with others not of that nature. Sir Edward Coke, and Sir Edwin Sandys had made themselves obnoxious to the court by their zeal in the popular cause. Parliament was no sooner adjourned than Coke was subjected to a prosecution, under the pretence that he could not have become so rich by honest means; and Sandys was questioned by the council and put under restraint.

Nov. 20. When the commons next met, they fell at once upon the case of Sandys. 'The business of the whole 'house,' said secretary Calvert, 'sticketh at that 'knot.' It was found necessary to assure the commons that the proceeding against Sir Edwin had not been on account of anything in his conduct as a member of that house. No man believed that statement, but it was deemed prudent to accept it.

When this ground of complaint was so far removed, it was resolved, before granting a single subsidy, to present a petition to the king, deploring the advances of Romanism, at home and abroad, and suggesting measures in counteraction. This petition denounced the pope and the king of Spain as arch-conspirators, always in league against the common liberties of Christendom. It urged that war should be declared against Spain on the ground of the part which that power had taken against the elector; and that the king should take special care to prevent the prince of Wales from becoming the husband of any princess who was not known to be attached to the Protestant faith. The house felt that these were bold counsels, and was con-

Dec. 6. cerned that they should be submitted to his majesty with as much respect and deference as possible. But by some unknown means James became possessed of a copy of this document before it was presented. Great was his indignation on reading it. Complaint about

the advance of Romanism he might bear, as he had borne it so often. But the effrontery of calling upon him to make war upon the king of Spain, and of dictating to him concerning the marriage of his children, was something new and especially outrageous. He would have the popular talkers in the lower house to know, that by entering upon such discussions they were meddling with questions above their capacity. Nor should they be allowed to mistake his conduct in regard to Sir Edwin Sandys. They had been apprized that the recent arrest of that person had not been on account of his conduct in parliament; but he wished them to be aware, that as king of England, he possessed the power to punish all misconduct in such assemblies, nor should he hesitate to exercise that power as occasion might demand.*

The letter in which his majesty so expressed himself did not move the commons. They prepared a reply, in which they expressed regret that a petition so well meant should have proved so little acceptable. They also ventured to intimate, that whatever related to the safety of the throne and realm of England, must assuredly be among the things to which the high court of parliament was bound to give its attention. With regard also to the power of the crown to punish men on the ground of their conduct in parliament, they must be allowed to claim exemption from any such power, as their ancient and undoubted right, transmitted to them by their ancestors.

The letter of the king in reply to this address was much milder than that which had called it forth; but his majesty still said, that he 'could not allow 'the style of calling their privileges an undoubted 'right and inheritance, but could rather have wished 'that they had said their privileges were derived from 'the grace and permission of his ancestors and himself, for most of them had power from precedent,

* *Parl. Hist.* i. 1123-1127.

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'which rather shows toleration than inheritance.' Yet he gave them his royal assurance; 'that so long as 'they retained themselves within the limits of their 'duty, he would be as careful to maintain their lawful 'liberties and privileges as he would his own preroga-'tive; so that their house did not touch on that pre-

Dec. 11.

'rogative, which would enforce him, or any just king, 'to retrench their privileges.'*

This calm language—the language of deliberation—alarmed the commons much more than that which had preceded it. The house was thus made to understand, that in the deliberate judgment of the king, its liberties, involving as they did the liberties of the nation, were a matter of 'grace and permission' only, and as such to be enjoyed only during the royal pleasure. Such was the impression made by the announcement of these principles, that the ministers of the crown laboured to soften and explain away the indiscreet words of their master; and James himself descended to something like an apology; but, with his usual inconsistency on such occasions, he said and unsaid, so as to leave the commons as little satisfied as ever. Hence a long discussion ensued on this vital topic. Sir Robert Philips reminded the house that the king had spoken in this manner concerning their liberties, when addressing his first parliament; whereupon, he adds, 'there was here entered a public decla-'ration that we held them by inheritance from our 'ancestors.'† The result of this long debate was, that the following important record was entered on the journals:—

'The commons now assembled in parliament, being 'justly occasioned thereunto, concerning certain liber-'ties, franchises, privileges, and jurisdictions of parlia-'ment, amongst others not herein mentioned, do 'make this protestation following: That the liberties, 'franchises, and jurisdictions of parliament, are the

* Rushworth, i. 40, 44. *Parl. Hist.* i. 1327-1336. † See pages 64-66.

'ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the king, the state, and the defence of the realm and church of England, and the making and maintenance of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matters for counsel and debate in parliament; and that in the handling and proceeding of those businesses, every member of the house hath, and of right ought to have, freedom of speech to propound, treat, reason, and bring to conclusion the same. That the commons in parliament have like liberty to treat of those matters, in such order as in their judgment shall seem fittest; and that every such member of the said house hath like freedom from all impeachment, imprisonment, and molestation (other than by the censure of the house itself), for or concerning any bill, speaking, reasoning, or declaring of any matter or matters touching the parliament, or parliament business; and that if any of the said members be complained of, and questioned for anything said or done in parliament, the same is to be showed to the king by advice and assent of all the commons assembled in parliament, before the king gives credence to any private information.'* Such was the excitement of the debate on this resolution, that twilight and darkness came, and voice after voice was heard. It became necessary to bring in lights, a proceeding hitherto unknown in our parliamentary history; and in the half light and half darkness of that memorable evening the popular members carried their resolution. James, on learning what had been done, sent for the journal of the house, tore the memorial from its place in the presence of his ministers, and immediately dissolved the parliament.†

* *Parl. Hist.* i. 1232-1371. Rushworth, i. 53-55.

† *Parl. Hist.* i. 1362, 1363.

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To diminish the odium of this proceeding the king issued a proclamation, the purport of which was to say that what he had done had been made unavoidable by the perverse proceedings of the commons; that another parliament should be assembled as soon as convenient; and that in the meantime his government should be conformed in all respects to that of his predecessors.* But such language was little heeded by men who saw the vengeance which was made to fall on those who had given offence either to the king or the favourite. The earls of Oxford and Southampton were made to appear before the council. The former, on the pretence of some words, of little significance, against Buckingham, was sent to the Tower; and one of his friends, a gentleman of rank, was thrown into a miserable prison, and threatened with torture, because he would not depose to what he had never seen.† Among the victims selected from the commons were Digges, Rich, Carew, and Perrot. But the ingenuity of these gentlemen baffled that of their prosecutors. It was found possible, however, to subject them to the cost and hardship of a temporary banishment, by obliging them to accept commissions in the name of the king. A more weighty punishment was reserved for Sir Edward Coke and Sir Robert Philips. Both were committed to the Tower, and the papers of the former were seized by the inquisitors of the court. Pym and Mallory also suffered imprisonment for a time. The names of these patriot members were now everywhere on the lips of the people. In private gatherings, and in all places of public resort, the most violent language with regard to the king and the government might be heard. The press teemed with productions, the licence of which could hardly have been surpassed. Proclamations were issued threatening offenders with

Popular excitement.

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* *Parl. Hist.* i. 1366, 1371.

† Raumer, ii. 269, 270.

the severest penalties. But with as little avail as to throw straws against a cataract.*

And now came that exquisite piece of folly, the journey of Buckingham and the prince to Spain, to hasten the marriage with the Infanta; the offence there given to the duke by the Spanish favourite Olivarez, and the consequent failure of that long-pending treaty; the return of the duke and the prince to England as great friends to popular government, as ready to redress all grievances, and as bent upon a war with Spain. And as the result of all this there is to be war with the Spaniard, and liberal supplies are granted for that purpose. So the old king, whose dread of war had been one of the maladies of his life, saw himself about to be plunged into it. But he did not live to see the commencement of hostilities. He lived long enough, however, to originate the negotiations which ended in the marriage of Charles to Henrietta; and having entailed that piece of mischief on the country, he breathed his last. March 27, 1625.

Retrospect.

It will be seen that the history of our parliaments under James I. exhibits the king as intent on converting the exceptional and irregular exercises of power on the part of his predecessors into admitted rights of the crown. The house of commons, on the other hand, is not less intent on marking such stretches of the royal authority as having been at all times exceptional and irregular, and on making provision against their recurrence in the time to come. James insists that all right is invested originally in the king, and becomes a property of the subject only by royal 'permission and grace:' while the men who govern every parliament in this reign insist that law is from the people, and that the king himself is subject to law. The prerogative of the crown may be real, but the

* 'Everybody is indignant at this government, everybody murmurs at these proceedings, everybody hates and despises this king in an incredible manner.'—Tillieres' *Despatches.* Raumer, ii. 270.

liberties of the subject are not less real, and both have their limitations from law. James at times professes, that as king of England, he will conform himself to the laws of England. But he never ceases to maintain that there is a superiority to such law inherent in his office as a sovereign; and he never comes into trouble with his parliaments without falling back, more or less, on this supposed absoluteness and independence, and bidding defiance to law.

The effect of this policy is to originate, and to perpetuate, a conflict between two classes of principles—the principles of the old Roman imperialism, and those of the English constitution. Provocation is thus given to a constant iteration of the principles of freedom on the part of the commons; and those principles are made to sink deeper into the soil of the national thought and feeling, and to grow. The reaction against such exaggerated pretensions on the part of the crown is strong. Sober men see that James, without possessing the wisdom of an ordinary man, is claiming, in an inquiring age, to be invested with power which can be safe only in the hands of the Deity.* Time was when the only power rivalling the power of the crown was that of the feudal barons. But new tides have come. The sands have shifted. The great parties to the settlement of political questions now, are the sovereign and the nation; and the representatives of the nation are not only careful to retain the immunities which honestly belong to it, but are disposed, if needs be, to place new safeguards about those acquisitions. Some guards of that nature were secured during the present reign. The right of the commons to judge concerning disputed elections; to debate on all questions affecting church or state; to impeach ministers of the crown; and to regulate the customs at the ports, may all be said to have been

* Lord John Russell *On the English Constitution*, 64.

placed beyond the ground of reasonable controversy from this time. Much had been done also to show that in the English constitution proclamations were not to have the force of law, except as based upon law; and the commons, moreover, had assumed a power—we may say a dangerous power—of summoning political offenders to its bar. But the policy of the king towards the commons consisted, from first to last, of an artful attempt to wring as much money as possible from the subject, while ceding as little as possible of good government in return. Hence, if we except what was done by the parliament of 1621 to punish corruption in the law courts, and to suppress monopolies, the evils of which the lower house complained at the opening of this reign continued to its close, many of them being exaggerated, rather than softened, by time. The change from the character of Elizabeth to that of her successor was felt everywhere as a personal humiliation. The frivolities, the sensualities, and the crimes of the court, were deplorable in themselves—still more in their influence on the capital and the country. Majesty itself descended to teach the wealthy, and many below the wealthy, to pour contempt on all piety not after the court pattern, to sneer at professions of conscientiousness, and even at a regard to decency. The revenue of the country passes into hands which can hold nothing. The cry is constantly—give; and the gift is no sooner made than it is squandered. The great use of money seems to be to enrich the worthless, and to sink the vicious deeper in their vices.

Such are some of the causes by which the monarchy of England was shorn of not a little of its ancient splendour in the time of James I., and by which its power for good or evil was materially diminished. Happily, even in those days English society retained virtue enough to drag vice to light, and to visit it with a fitting punishment, even in high places.

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But the nation, the pulsation of whose great heart had been felt in nearly every region, by land and sea, is now cooped up within its own narrow limits; and its heroic men are expected to dwindle into laughers at drunken revels, and into gamesters at a cockpit. Grave, honest, generous men do not come into the responsible places of the state. But they exist, they make themselves felt at intervals, and they will do their work in their season.

CHAPTER II.

THE CRISIS AND THE LAW.

WE have seen that James I. would have suppressed Puritanism, and counselled his son to hold no parley with it. But the persecuted sect waxed stronger under the harsh discipline to which it was subjected; and the revolution which is to characterise the reign of Charles I. is to come largely from Puritanism. It is not possible, accordingly, to realize an intelligent conception of this memorable epoch in our annals, without obtaining an answer to the question—What was English Puritanism? Something has been already said on this topic.* But it is a subject which does not admit of being adequately presented in a few words—especially in this later stage of its development. No man who has not studied the religious life of England during the seventeenth century can understand our political history through that interval.

Jus divinum claim of the Presbyterian Puritans.

The leading doctrine of the Puritans, as we have seen, was the sufficiency of scripture, not only in relation to theological doctrine, but in relation to everything pertaining to discipline and worship. It assumed that everything in the faith or practice of Romanism, for which no authority from that book could be adduced, should be discarded; and that everything sanctioned by the Christian scriptures must be binding on all time. Following these principles, the Puritans in the time of Cartwright became more Presbyterian than Episcopalian in their views on church polity; and as they professed to derive those views

* Vol. ii. book x.

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simply from the sacred writings, it was only natural that they should learn to speak of them as conclusions coming, not from the wisdom of man, but from the authority of God. In fact, however, they were Puritan deductions from the inspired records, and the question was still open—are such teachings really there? To meet this question the Puritan had to assert, not only the sufficiency of scripture, but the right of his intelligence and conscience to interpret scripture for his own guidance. And this was his second cardinal maxim. The two together made him what he was.

Retorted by the Episcopalian churchmen.

The bishops were greatly disturbed by this *jus divinum* claim on the part of the Puritans. Nor were they well satisfied with the position which had been assigned to their order by the state since the Reformation. In the judgment of Henry VIII. and of Elizabeth, bishops were a class of men whose function had been found expedient—nothing more. Henry found them in the church, and on the ground of convenience, and not as ceding to their office any exclusive sacerdotal pretension, he was content to retain them. So it was with Elizabeth. The intention of Bancroft and others, in affirming the function of the bishop to be of divine institution, was twofold—to meet the Puritan on his own ground by opposing one *jus divinum* claim to another; and to improve their position in relation to the civil power, by placing the divine right of bishops side by side with the divine right of kings. With Elizabeth, who was scarcely more resolved to be the mistress of the church than to be the mistress of the churchmen, such doctrines would find small patronage. But it was otherwise with her successor. The maxim of James—'No 'bishop, no king,' of course disposed him to cede almost any authority to the mitre, from a mistaken notion that all such power would be only another form of his own. The policy of Charles in this respect was that of his father. To both these princes, the free political opinions of the Puritans, and their dis-

New pretensions of the bishops sustained by the Stuarts.

position to oppose their divine right of conscience to divine right elsewhere, could not fail to be especially offensive; and this new league between the mitre and the crown was the consequence.

New combination of the secular and the religious.

According to modern speculation, we have here the old combination between the priest and the magistrate. After the old manner, interests are thus given to the clergy apart from the laity, and to the sovereign apart from the subject. Both these authorities take their place between the worshipper and the object of his worship; and do so for the purpose of regulating everything in the approach of man to his Maker. To a larger extent, the individual conscience, it is said, is thrust aside in relation to such acts. It is made to give place to the dictates of the sacerdotal and the state conscience.

The gospel at first appealed to the individual conscience.

It is certain, that in the first ages, the preaching of the gospel was directly to persons—to individuals. It addressed itself to the individual conscience. Whatever might be the dictation of the Roman emperor, or of the existing priesthoods, the Christian preacher was bound to say to each man: you must either receive this message and live, or reject it and perish. Your own conscience must be the hinge of your own destiny. Having these good news once tendered to you, the act which is to connect you with the life or death hereafter must be your own act. In this matter you are not to be governed by Cæsar nor by Cæsar's priesthood.'

Position of the Tudor and Stuart policy in relation to conscience.

It will be remembered that the preaching of the reformation was a starting anew from this point. It was the resurrection of the individual conscience under the watchword of the right of private judgment. It may indeed be said, that the watchword of the apostles was not so much the *right* as the *duty* of private judgment. They fixed the sense of individual responsibility further back. They made it more intense. They not only permitted the free action of the individual conscience, they made that action imperative.

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Men were told everywhere, that their ultimate authority in religion must be, not popes, nor councils, nor any earthly potentate, but the word of God, and that word as interpreted for each man by his own intelligence. The Erastian dogma of the Tudors, and the theocratic dogma of the Stuarts, did much towards putting the conscience of the state and of the priest into the place of the private conscience. Puritanism was a revolt against all this—not always wise, not always consistent,—but a revolt.

Revolt of Puritanism.

The English Puritan would not accept a polity, or a form of worship, from the pleasure of either king or bishop. He claimed the right to deduce conclusions for himself on such matters from the sacred writings. Nor would he consent to be governed by what was called the opinion or practice of antiquity. The inspired writings were his antiquity. Religion, in the view of the Puritan, was the action of each man's moral and spiritual consciousness towards God. What is more, in the judgment of these Calvinistic men, it was an action in all cases of a divine origin—beginning with God, and not with man. To sin against such personal convictions, accordingly, in obedience to any external power whatsoever, was to cease to be followers of God.

Hooker and the Puritans.

Hooker, indeed, with that high and solemn sweep of thought which characterised him, had insisted that law is eternal and immutable; that everything of the nature of law in the Bible must be in accordance with the antecedent law founded in the nature of things, and in the divine nature itself; and that men do not honour God when they insist that he is to be heard only through the oracles of revelation, and not through those other oracles, which are much older, and equally his own. But the Puritan replied, that the fact of a special revelation implied that the utterances of those more ancient oracles had become obscure and inadequate, and that the power of man to consult them with advantage had been much impaired by sin; that his security

accordingly would consist in following the new guide, specially adapted to his weakness, with as much fidelity as possible: and that this course must be imperative upon him in relation to such matters as Christian polity and worship.

Limit to the Puritan notions of liberty.

But it must be confessed, that the Puritans, having persuaded themselves that their system was certainly derived from the Bible, went further, and concluded that it became them to enforce submission to it. They claimed that there should be a national church; but it was to be a church according to the Puritans, and not a church according to the bishops, or according to any council of the state. In this policy they were to be resisted.

Rise of the Independents.

Men make their appearance in our history, slowly, and for a while obscurely, who feel strongly this limitation and inconsistency in the reasoning of the Puritans. They feel the want of a spiritual freedom which even Puritanism is not willing to grant. They demand that the doctrine of liberty of conscience, shall consist in something more than a man's claiming such liberty for his own conscience It should be of much wider latitude. It should not free men from subjection to a convocation of prelates, only to place them in equal subjection to an assembly of presbyters. Such was the origin of Independency, as an advance, in the progress of thought, beyond the Presbyterianism of that age. Before the accession of Charles I., principles of this nature had taken strong hold on the mind of many persons. Men had become martyrs to such convictions in the time of Elizabeth. Many had become exiles in the Netherlands that they might enjoy the liberty there which was denied them at home. Above all, the Pilgrim Fathers, the first settlers in New England, were men of this order. It is not, however, in the interval which comes under review in this chapter, that this class of religionists will become conspicuous. But it is proper to bear in mind, that these more advanced conceptions of religious liberty

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were fermenting through this period, and contributing their share to that confluence of feeling which was to issue in the crisis of the sword.

It has been said, and very justly, that Independency, or Congregationalism, is the ecclesiastical system which, more than any other, may be described as of real English growth. Our mediæval hierarchy of course came, with our mediæval Christianity, from Rome. The rigid Presbyterianism of the Puritans, too, was imported from the churches of the continent by our religious exiles. The ideas of Wycliffe and the Lollards—had the course of the times been favourable to their development—would have resulted in something more like those local and independent forms of self-government which were so familiar to the middle class in our Anglo-Saxon population. There had been from the times before the Conquest, a large amount of social congregationalism, if we may so describe it, in the customs of our people, which passed readily into the religious habits of pious Englishmen in the sixteenth and seventeenth centuries. Independents insist that their system is apostolic: but the fact that our Anglo-Saxon habits are in strong affinity with it has contributed greatly to its power in this country.

Rise of the Arminian party.

To many readers of English history it may seem strange that the Puritans in the time of Charles I. should have shown so much repugnance to the Arminian theology. In the discussions in parliament, this court divinity is denounced with almost as much emphasis as Romanism itself. But it must be remembered, that the doctrine known to us as Calvinism had been, in substance, the doctrine of the Reformation. As compared with Arminianism, this doctrine was understood to make religion begin with the grace of God, not with action from man. Piety, accordingly, was regarded as being more certainly a divine life in the case of the Calvinist than in the case of the Arminian. As opposed to Romanism, and as opposed to external authority of all kinds below the divine, the

religion of the devout Calvinist was the most self-sustained and independent form of religion imaginable. It was a kind of personal inspiration, against which kingly power, and sacerdotal power, spent their force in vain. It feared none of those things. In regard to religion, the king of the Calvinist may be said to have been especially in heaven, and his priest too was there. But it was not supposed to be exactly thus with the Arminian. In that theology more place was given, in all respects, to human agency, and on that account it proved more manageable in sacerdotal hands, and won special favour from the Jesuits. With the Puritans, the fact of its finding patronage in such quarters was enough to associate it with suspicions of all kinds. In truth, they never thought of Arminianism simply as Arminianism. In their view it was a covert used by Arians, Socinians, and Papists, and tended necessarily towards error in those forms. The doctrinal Puritans, as they were called, were men whose protest had respect mainly to such tenets. They were men who must be Calvinists, avowedly such.

The Puritan and his Bible.

In our secular and conventional times, it is not easy to imagine the influences which made the Puritan forms of thought so potent in their sway over minds of eminent sagacity. But the Bible in the sixteenth and during the first half of the seventeenth centuries, was, even to thoughtful men, comparatively a novel book—a treasure which had been lost and was found. It was to them, moreover, a book the full inspiration—the unerring truth of which was above suspicion. It was, in the most emphatic sense, the word of God, and its facts and doctrines were taken in their most simple and natural significance. The age was an age of faith—we may say, of a childlike and a loving faith. Such men as Eliot and Hampden, Cromwell and Vane, believed in God and Christ; in Sin and the Evil One; in Heaven and Hell, as the Bible presents them, and very much as Milton has depicted

them. The world to them was full of spiritual influences, both good and bad—full eminently of God. Where duty called, men of this order could brave all things, and still feel that nothing was hazarded. To them there was no such thing as accident. All was in the highest hands. As the leaders felt in these respects, so their followers felt—the feeling indeed becoming only the more deep as it descended to the humblest.

How the Puritan Bible made the patriot.

It is easy to see how men living in such relations to a higher world, would be inclined to question earthly authorities when regarded as opposing themselves to that Higher Power. Every man who supposes that right is on his side, supposes that God is on his side. But the Puritan conceived that he had a special warrant so to think. And he was too much accustomed to concern himself with questions affecting the law and the government of the Almighty, to be deterred by any superstitious scruple from a free scrutiny as to the basis of law and government when merely human. Hence his speculations often darted onward, so as to anticipate some of the most advanced positions of modern speculation. 'Treason,' said a Puritan preacher, addressing a London congregation, 'is not 'limited to the royal blood, as if he only could be a 'traitor who plotteth or attempteth the dishonour, or 'the shedding thereof; but may be, and is too often, 'committed against the whole church and nation; 'which last is so much the worse of these two, by as 'much as the end is better than the means, and the 'whole of greater consequence than any one part.' Such was the clear, strong grasp of political principle of which the mind of a Calvinistic lecturer was capable in the early days of Charles I.* So spoke Milton and Locke in their season, and so have many great men

* The penalty incurred by the preacher in uttering such sentiments was, to be suspended from his office and to pay a fine of 1000*l.*—Rushworth, iii. 32, 140-142.

spoken since. Bound by conscience to resist the pretensions of the civil power in regard to religion, it was natural, as this controversy grew upon their hands, that the Puritans should thus extend their inquiries to points affecting the foundations of all government.

Social position of the Puritans—not Dissenters.

The reader must not forget that the Puritans under James and Charles were in a position differing considerably from that of the modern Nonconformist. They were of the national church, both ministers and laity. There was much in the existing ecclesiastical system which they would have reformed. But their parish churches were their religious home. They had been baptized within those walls. There they had been married. There they had buried their dead. There they expected, in their turn, to sleep their own long sleep. Their ministers were all university men. Their laity embraced persons of all ranks. In that age, Puritan and Orthodox, were terms denoting parties who differed from each other in thoughts and sympathies, but who were of the same social status. The fact that English Puritanism embraced, not only the strong feeling of the middle and the lower classes, but much of the intelligence and culture of the classes above them, contributed to make it the power it became in our history.

Puritanic use of the language of scripture.

One grand fault alleged against the Puritans, and a fault regarded as convicting them both of cant and bad taste, consists in the manner in which they used the language of scripture. Almost everything belonging to the religion of the Bible they describe in the language of the Bible. What is more, they looked upon all things in the light in which that volume presents them, and they spoke of them very commonly in the words which that volume supplied. To the majority of the Puritans, the great educating power of their time consisted in the teachings of that book, and in the expositions of it by their ministers from the

pulpit. It was the atmosphere of thought—of simple, sober, grand thought, in which their spirits breathed. Hence it was just as natural that men receiving the Bible with the faith and affection with which the Puritan received it, should use its language as he did, as it was that the sceptical and shallow wits of the time of Charles II. should fail to appreciate the sources of this peculiarity, and should heap their ridicule upon it. That this use of scriptural expressions was often a cant, no man of sense will deny. Language could not have become thus common in connection with any subject, without fault, more or less, of that nature. But if the ring of that coin had not proved to be in the main the ring of the true metal, it would not so long have passed current. Symbols in words, like symbols in ceremonies, may become mere symbolism. When that comes their work is done. But there is an earlier stage in their history. It is only while such things are of honest meaning that they make themselves felt as realities.

Charge of spiritual pride, and other faults.

But a charge of a graver description remains. It was often said that the Puritan contrived under his high spiritual pretensions to indulge in a large amount of spiritual wickedness. And we can suppose that men who believed in a divine influence in the human spirit, enlightening it and purifying it, might sometimes estimate their religious standing unduly. There probably were cases in which a man who seemed to prostrate his soul to the lowest before God, was sometimes found to be of a very defiant bearing towards men. But we are not sure that these two conditions of feeling are necesssarily inconsistent with each other. It was a fact that these men were often far better men than the men to whom they were opposed; and if they sometimes betrayed a consciousness of that fact, the reproach of spiritual pride would be sure to follow. When, however, it is said of the Puritans, that to the world they seem to be men who would not swear, be

drunken, or be licentious, 'but could lie, cozen, and 'deceive,'* we say that such a description, if meant to be applied generally, is a description without warrant. Hypocrites no doubt there were among the Puritans. For it to have been otherwise human nature must have ceased to be itself. By avoiding costly vices; wasting no time in idle amusements; and accounting diligence in business a religious duty; the Puritans may be said to have taken possession of the industry and commerce of the country, and we may be sure that the men whom they distanced in the race of traffic would not be slow to fling many hard speeches at them. Their caution would be construed as cunning. Their industry as an intense worldliness, little consistent with their spiritual professions.

Nearly all we know concerning the domestic life of the Puritans is eminently to their honour, and no mean guarantee as to what their social virtue must generally have been. The strength and tenderness of their domestic affections may be seen in the correspondence which passed between them when separated from each other. Such of them as lived on their own estates were models to their neighbours in their con-

* This language is cited by Hume from a Sir John Lamb, and from the pages of this historian it has passed freely into our literature. This Sir John Lamb is a person, the greater part of whose life was spent in intriguing against the Puritans, and, in fact, against every one whose fall might conduce to his own elevation. Hacket, in his *Life of Williams*, describes Mr. Hume's informant as 'a creature of dark practices, the most hated of all that trod the earth in the county of Northampton, where he dwelt.' He was originally a schoolmaster, afterwards a proctor, and next dean of the arches, in which function he was charged with many crimes, 'under the hands of all the justices and gentry,' and in two bills prepared against him in the parliament of 1621 and 1624. It was Bishop Williams who brought this honourable person 'off from his trouble, dubbed him a doctor and a knight, and settled him in his former offices, and got him more.' No sooner did the favour of the court depart from Williams, than Lamb forsook his patron, and was found ready to abet the policy of his enemies. So worthy of credence was the authority on which our great historian, and so many after him, have been disposed to rely.—Hacket's *Life of Williams*. Rushworth, i. 421. Brodie, ii. 361.

duct towards their old servants, their care of the poor, and their sympathy with suffering: and their dwellings were always the homes of religious reading, of religious service, and of religious education.* The Puritan gentleman was distinguished from other gentlemen, only as being somewhat less fanciful and ornate in his dress, and somewhat more grave in his manners. What a Puritan lady might be is seen in the life of Mrs. Lucy Hutchinson. In the humbler classes the difference between the Puritan and his neighbours in these respects was probably more marked. While the animosities of party were rife, it was easy to convert this gravity into gloom; this plainness of costume into caricature; and the iconoclastic spirit of the zealous religionist into a Vandal indifference to all art and refinement. But the time has come in which intelligent and honest men may be expected to sift these exaggerations, bearing in mind that they have respect to such men as Hampden and Hutchinson, Cromwell and Milton. With all their imperfections, these Puritans were the men employed by Providence

* A learned knight, a man of some figure in the early days of the Long Parliament, gives us the following picture of the matron of the Puritan household in which he had been reared. 'Very careful was she in the godly education of her children and orderly government of her family; a great housewife and discreetly frugal; exactly observing the due times and seasons when to spare and when to spend, so as my father's credit and good name was ever advanced by her judicious management of the expenses and entertainments of his house. The often repairing to Stow Hall, there partaking of her zealous prayers, godly instructions, and blessed example, did admirably strengthen and settle me in the love and exercise of the best things; so as now I began to perform holy duties feelingly and with comfort, which I at first had only taken up upon trust and performed out of custom. Notwithstanding she had lived so piously, and performed all the duties due from her to her husband, children, servants, and neighbours, in so excellent measure as few could follow, feeding the bellies and clothing the backs of the poor and needy, yet when myself or any other put her in mind of those particulars to comfort her, she would not hear of it, but only, with a humble and faithful heart, relied upon the merits of Christ her Saviour.—Sir Simonds D'Ewes's *Autobiography*, i. 104, 116, 117. The mother of Lord Bacon was another of those pious and honourable women.—See Dixon's *Personal History of Lord Bacon*.

to save the liberties of England, and it should not be a pleasant thing to Englishmen to be told that they owe this vast debt to men who should be classed either with knaves or fools. The men on whom that great work devolved were men of strong religious feeling, but they were not less distinguished by political sagacity, and by their private and public virtues.

The clergy especially opposed to the Puritans on the accession of Charles I. were a widely different order of men from those who were about Elizabeth in her early days. The matters to which the early Puritans took objection, were no longer acknowledged to be exceptionable, or at best indifferent. They were retained, with everything else of the same order, as most seemly, beautiful, and sacred. The mediæval church, in place of being the church of the Amalekite, was a church rich in spiritual excellence, and it would be wise, it was said, in those who had separated themselves from it, to return much more nearly to it. Andrews and Donne, and the school they represented, discoursed after this manner; and Laud, and Montague, and Cosins, carried their tastes and maxims of this description from the closet and the court into the business of the church and of the nation. Without being Romanists, the sympathies of these persons were to a large extent opposed to the Protestant cause in Europe, and in favour of the rival church.* Hence,

* It is Clarendon who informs us that Laud, when told that the English ambassador at Paris had declined going to the Protestant church at Charenton, as had been the custom of his predecessors, remarked openly upon it—'He is the wiser.'—*Hist.* iii. 664-667. Through the influence of this prelate it was required that the children of all foreigners resident in England, if of the second generation since their settlement, should be withdrawn from the churches of their parents, and obliged to attend at the church of the parish in which they might happen to reside. The independence of the French and Dutch churches in this kingdom had been repeatedly confirmed since the days of Edward VI. and more recently by James, and even by Charles himself. The strangers belonging to these communions amounted to several thousands. They complained loudly of this obtrusive

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in the judgment of the Puritans, if these men were not concealed Papists, they were men acting upon a policy the tendencies of which were towards a restoration of that faith. To the feeling of these high churchmen, the revolt of the reformers against the church of the past had been fierce, irreverent, excessive, menacing principles which should have been venerated as lying at the foundation of all ecclesiastical and civil order. That the Tudors should have regarded the office of the bishop as of human institution was accounted monstrous. So of much beside. The better men of this school influenced a considerable portion of the laity, especially educated women; and the manners and visible tastes of the whole party bespoke so much nearer an affinity with Romanism than with Protestantism, that the feeling with which the Puritans denounced this apparent disposition to abandon the reformed faith, in place of being the sheer bigotry or the baseless panic it is often said to have been, was a very natural result. Some reaction against the more rigid maxims of the earlier reformers and of the Puritans was to have been expected. But reaction in such excess, and so intolerant, was a grave matter.

Charles was too much in the hands of this party when he became king, partly from preference, and partly from the paucity of able men at his disposal. Buckingham had been so much bent on monopolizing all court influence, that the court party, which might otherwise have given its aid to the sovereign, was much broken and neglected.

The court party.

In parliament this party consisted of persons disposed to support the pretensions of the crown, and who, in most cases, were content to follow the advice of its ministers. But many of these pretensions were

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tyranny, but were told that their departure from the country would be a less evil than their example in perpetuating a schismatical worship.—Rushworth, ii. 249-251. Collier, ii. 752, 753, 763-765. Prynne's *Cant. Doom.* 369.

now so much questioned, and questioned with so much earnestness and ability, that the men who were concerned to sustain them were obliged to prosecute their object with much caution. Attempts, indeed, were made by men who had passed much time in foreign courts, to reconcile their countrymen to the growth of arbitrary government at home, by describing the hard fare and the wooden shoes which fell to the lot of its victims abroad. But the reception given to such oratorical displays was of a kind to make them of short duration.* The leaders of this party generally pursued a wiser course. They would not be described as the abettors of tyranny or of superstition. In regard to the authority of the crown, they alleged that the differences between them and their opponents was by no means so considerable as seemed to be supposed—that, in fact, it was a difference more about means than ends. In all ordinary cases, they hoped to see the government regulated by the known provisions of the law, and the independent action of the crown and its advisers restricted to those novel and extreme circumstances for which the statutes or usages of the realm had not made any adequate provision. On the subject of religion, their attachment to Protestantism they maintained was not less sincere than that of any other portion of the community, though they were certainly disposed to look with less disaffection than some persons on certain ancient usages retained in the national church.

The popular party listened to all statements of this description with misgiving. They knew that the men who so spoke would be found ingenious in devising excuses on the side of errors and abuses, and would really do little or nothing towards removing them. They knew, moreover, that they were themselves the majority, and they were not slow in attributing this

* *Parl. Hist.* i. 205.

moderate language on the part of their opponents to a remembrance of that unwelcome fact.

Distinction between Puritans and Patriots.

It is to be observed, however, that while the court party exhibited little perceptible difference of opinion, the popular party consisted of two classes who have become known by the name of Puritans and Patriots. The former class was much the most numerous, but the latter included some of the most distinguished men of the age. The names of Coke and Selden are sufficient to indicate the order of ability brought by this party to the public cause. But it must not be supposed that the Patriot party were little concerned about the religion of the country. On that subject, every man was more or less a zealot in those days. The Patriots regarded the safety of the nation as inseparable from the safety of its Protestantism. Against the Anglican novelties in the church service they were hardly less decided than the Puritans themselves, and they were especially jealous of any encroachment by the clergy on the province of the civil power. From the age of Charles V. to the treaty of Westphalia, religion had been everywhere the mainspring of politics; and a horror of Popery, which some writers describe as the ridiculous attribute of English Puritanism, was then the feeling of English Patriotism, and, in fact, of Protestantism throughout Christendom. Some men were especially opposed to Romanism as being hostile to civil freedom and social improvement. But with this class there was another, much more numerous, and more energetic, who would have crushed the papacy as a power which invaded the conscience and destroyed the soul.

We may deplore this intolerance in our ancestors; but it becomes us to remember that it was the intolerance of the cool statesman as much as of the ardent religionist. In the latter, too, this feeling was much more excusable than in the former, inasmuch as the measure of our opposition to an evil should be determined by our estimate of its magni-

tude. All the evil seen to be inseparable from an ascendancy of Romanism by the Patriot, was seen by the Puritan, and much more. But to the penal laws against Catholics, the Patriots were not less willing parties than the Puritans, and were often among the loudest in demanding their rigorous enforcement.

Motive of the Stuart policy in regard to religion.

If the reader will keep this view of the character and position of parties on the accession of Charles I. in memory, the narrative which is to follow will be sufficiently intelligible. We have seen that the Puritans at Hampton Court did not make any assault on the hierarchy. Whatever might be the natural issue of some of their principles, they merely prayed that a few ceremonies which were a burden to their conscience might be dispensed with, and that a few measures tending to the greater usefulness of the church might be adopted. Nor do they appear to have been disposed to seek anything more at present. The popular leaders in parliament complain heavily of grievances. But their grievances in relation to the church, are merely such as have been mentioned; and in relation to the state, they are such, it is affirmed, as would not exist if the laws designed to prevent such evils were only allowed to be in force. There were laws which condemned arbitrary arrests; and which declared taxation to be dependent in all cases on consent of parliament. And the question now to be at issue, and to be settled, is—are these laws to be indeed laws, or are they to be such only in name? Peaceable and constitutional means are to be employed to the utmost to settle this controversy. Is it to be so settled? Or is it to pass from the court and the senate to the camp and the battle-field? The answer will come.

Charles, by making his appearance at Madrid to solicit the hand of the Infanta, gave great advantage to the Spaniard in the pending negotiation. The prince, it was presumed, would be less than ever disposed to see the treaty become a failure, and the con-

ditions of it were made to be in consequence considerably more stringent. Charles promised almost everything. There was not only to be freedom of worship to the Infanta and her household, but her children were to be in her hands until ten years of age; the penal laws against Catholics were to be at once suspended; in three years they were to be rescinded by parliament; and the prince allowed both the king of Spain and the pope to regard his own conversion as a not impossible event, and even expressed a hope that he might live to see the two churches become one. But after all the project failed.

Philip, and his favourite Olivarez, were filled with distrust and resentment by the dissoluteness and insolence of Buckingham. Under such influence, it was said, Charles would be neither a good husband nor a a steady ally. The formalities of the Spanish court did not prevent manifestations of this feeling. The duke was deeply offended. At the same time, reports came from England, apprising him of machinations at home, such as his own presence only could serve to counteract. Buckingham prevailed on Charles to abandon the intention of becoming the husband of the Infanta. Excuses were found for leaving Madrid before the dilatory Spaniard had completed his arrangements. But the preparations for the wedding were allowed to proceed until within a week of the appointed day, when the couriers of the prince of Wales arrived to declare that there was to be no marriage. Buckingham felt that he had avenged himself on the pride of the Spaniard. Charles was satisfied with what had been done. The news of the rupture filled the English people with an extatic delight.*

* 'On Sunday (1622), one Mr. Claydon preached at St. Paul's Cross, and cited a story out of our chronicles of a Spanish sheep brought into England in Edward I. time, which infested most of the sheep of England with a murrain, and prayed that no more sheep might be brought over from thence hither; at which many of his hearers cried, 'Amen! So much

The loss of the money expected with the Infanta obliged the king to assemble a parliament; and to face a parliament with success, the favourite put himself in communication with the leaders of the popular party, affected strong sympathy with the national feeling against Spain, and urged that the policy of the nation should be to make war upon that power as the great enemy to the independence of the palatinate. When the parliament met, the duke stated his case against the Spanish court. Charles stood at his side to corroborate his assertions and to assist his memory. In this statement much truth was suppressed, and much was set forth which was not true. But the two houses received it all. Buckingham found himself greeted for the first time with popular applause. Sir Edward Coke pronounced him the 'saviour of his country.' Charles, too, had been trained to perform his first, and unhappily, not his last part, in the mystery of statecraft. Nothing was hid at that time which did not afterwards become known; and by the disclosures which followed, the mind of the country was not a little influenced in its estimate of the prince to the end of his days.*

Character of Charles I.

Before these events there were persons who had learnt to regard the heir-apparent as a man of understanding and veracity, and who looked forward with hope to his accession. But the more general impression concerning him had been less favourable. Even his friends felt the coldness and reserve of his manner, and, as seen in so young a man, these appearances were interpreted as no good omen. The French ambassador, writing in 1621, describes the prince as giving small sign of a virtuous disposition, and as

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did all men fear that prince Charles should marry the king of Spain's sister.'—D'Ewes's *Autobiography*, i. 217.

* Hardwicke *Papers*, i. 399 et seq. Clarendon *Papers*, i. 4-7. Prynne's *Works of Darkness*. Cabala. Rushworth, i. 63. Dod's *Church. Hist.* ii. 439.

having no place in the affection of the people compared with his sister. In the following year, the same person ventures to predict that the good qualities which the friends of Charles attributed to him, would be found wanting on his accession. The son had often been a witness of those degrading exhibitions which attached so much disgrace to the private life of his father; and there is no room to doubt that when he first placed his confidence in Buckingham his own morals did not escape injury.* It is the testimony, however, of those who were his contemporaries, and who were not among his admirers, that the manners of the court presented a marked improvement on his coming to the throne. The shameful licence of the past disappeared. Sacred things were treated more as if they were really sacred.†

But it was hardly possible that the constant lessons of James on the virtues of kingcraft should have been made so familiar to Charles wholly without effect. Nor was it probable that the duplicities into which the prince had been himself initiated in the late transactions with Spain, and, in the subsequent negotiations with France, would leave his mind firmly set against vice in that dangerous form in the time to come. The discoursing on politics to which he had listened from his boyhood upwards, had placed popular rights before him as so much licence which had been either extorted from the crown, or ceded by it, and which might be justly reclaimed on the first con-

* Raumer, ii. 260, 261, 270, 271. Halliwell's *Letters of the Kings of England*, ii. 148.

† 'The king shows himself in every way very generous and affable; but the court is kept more strict and private than in former time. He is very attentive and devout at prayers and sermons: there is great hope conceived that the world will every way mend.'—MS. *Letter*, State Paper Office. Chamberlain to Carleton, April 9, 1625. 'Our sovereign (whom God preserve) is zealous for God's truth—frequents and attentively hearkens to prayers and sermons—will pay all his father's, mother's, and brother's debts.' —MS. *Letter* to the Rev. Joseph Mead, April 13, 1625. Harleian MSS.

venient occasion. How to cozen the tribunes and demagogues calling themselves the House of Commons, using them with as much advantage, and at as little cost as possible, was almost the beginning and the end of the talk heard by him on state matters. Large views, great principles — principles having respect to the great Protestant interest, and to the liberties of Europe, were not only without favour, but were utterly proscribed in the circle where the conceptions of his youth and manhood had been formed. The infirmities of character which he too soon betrayed, were such as might have been expected in one so descended, and who had been so schooled.* In nearly all respects Charles proved a true representative of the house of Stuart—arbitrary, obstinate, insincere, revengeful. Great, indeed, was the discordance between the spirit of the sovereign, and the spirit of the nation he was called to govern. On the side of the king we see a limited intellect, of artificial culture, coupled with a cold and suspicious temper, and with a dreamy and mystical worship of kingly and priestly power. On the side of the nation, we see, in the main, fixed principles, the clear head, and a stout heart, bent upon upholding the national liberty and honour. So long as sovereign and subject shall be governed by such tendencies, there can be little agreement between them. Charles was, on the

* Writing to Buckingham while the parliament of 1621 was sitting, Charles says, 'The lower house this day has been a little unruly'; but I hope it will turn to the best, for before they rose they began to be ashamed of it. *Yet I could wish the king would send down a commission here, that, if need be, such seditious fellows might be made an example of to others*, by Monday next. . . . . I have spoken to so many of the council as the king trusts most, and they are all of my mind, *only the sending of authority to set seditious fellows fast is of my adding.*'—Halliwell's *Letters*, ii. 157. 'But withal, I would have him (the king) *command them* (the commons) *not to speak any more of Spain, whether it be of that war or of my marriage.*'—Ibid. ii. 161. These passages sufficiently show the feeling of Charles while prince of Wales as to the relations between crown and parliament.

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whole, the best of his family known to this country, but the dangerous elements in his character were of a grave description and not to be eradicated.

Ascending the throne with the intention of acting on the maxims in relation to kingly rule which had come to him as a heritage, nothing could have been more impolitic than his determination to burden his government with the difficulties inseparable from a war with Spain. In taking this course, he would of necessity involve himself in a large expenditure; to meet that expenditure large supplies from parliament would be indispensable; and this dependence on parliament for money, could hardly fail, according to all past experience, to produce a collision between the measures of the commons and the pretensions of the crown. Had Charles looked carefully to this natural sequence of events, he might have avoided the embarrassments which characterised the early years of his reign, and which influenced its complexion to the end.

Interval from the last parliament under James to the first under Charles.

According to the loose usage of those times, hostilities had commenced between England and Spain before the decease of James, though a long interval was to pass and war was not declared. The late king had been induced to issue letters of marque to protect the trade of the English coast, and Charles had followed his example in that respect. But the Spaniards had long established themselves at Dunkirk, and from that port they now sent out armed vessels in great numbers, which scoured the narrow seas, and made prizes to an alarming extent of English traders. At the same time, Turkish and Algerine pirates descended on our shores, and entered our harbours, not only seizing shipping and property, and firing in contempt upon our towns, but carrying off captives for the slave market. It was said before the close of the year 1626, that three thousand English had been sold as slaves in Morocco. Not less than fifteen hundred, it was reported, were bondsmen in Saleer. Our merchants com-

plained loudly under these losses and insults. The duke was much annoyed, and made some effort to check the stream of disaster; but his great solicitude was to collect an armament formidable enough to enable him to strike a signal blow against Spain. To observing men, however, his prospect of success must have seemed to be very small. His proceedings served to show what the pusillanimous policy of the late king had done for England. Our sailors were found to be what they had always been—skilful, brave, and trustworthy. But the lowest kerns from the bogs of Ireland could hardly have presented a more miserable picture than was exhibited in the 10,000 men pressed into military service at this time. Many of them were all but naked; and the majority of them were in a condition so shoeless and tattered as to make the idea of inflicting some heavy chastisement on the Spanish monarchy by such means inexpressibly ridiculous. But such was the army to be mustered by Buckingham, in a country whose military memories went back to Flodden and Agincourt, to Cressy and Hastings.*

Financial difficulties.

Charles and the duke hoped to mend this bad state of things. But to that end money was indispensable, and in such amount as could be expected only from a parliament. Already the king had procured a loan of 60,000*l.* from the city, and had given security in crown lands to that extent; and to the value of 100,000*l.* besides, to cover a debt which had been incurred in the same quarter by his father. His portion with Henrietta was disposed of by anticipation; and all this being done, the lord treasurer assures the king only a week before the meeting of parliament, that his exchequer is empty, and that there is no more credit.† It should be remembered too, that the war contemplated by the parliament of 1624, was a war in favour

* MSS. State Paper Office. Domestic Series, vol. i. Nos. 39, 65, 69, 94; ii. 10, 11, 23, 26; iii. 59, 65, 81, 83-101, 107; iv. 60.

† Ibid. vol. i. 66; iii. 52.

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of the Palatinate; that the money voted was to be applied by commissioners purely to that object; and that the sudden popularity of the duke and the prince was the result, not only of their pledging themselves to that enterprise, but to a redress of those grievances which had been so much the subject of complaint, and to so little effect, during more than twenty years past.

The king is hopeful—the parliament becomes suspicious.

It was not however unnatural that a young king should be disposed to believe those who assured him that the feeling of the people would be in favour of his schemes. Charles, accordingly, stated his financial wants freely to his first parliament, and the present house of commons consisted to a great degree of the persons who had constituted the last. It was not however strictly the same body that had concurred in the war policy of the prince and the favourite in 1624. More than a year had intervened since that outburst of feeling, when this first house of commons under the new king assembled at Westminster. Through this interval, the government, with its reform pledges, had been upon its trial, and with no great promise for the future. Time also had been allowed for looking calmly towards the probable result of the duke's military projects, and for inquiring in regard to the causes of that sudden eagerness to plunge into them which had been manifested by him, and hardly less by Charles himself.

1625. June 18.

It was, moreover, especially remembered, that if the king had not become the husband of the Infanta, in the person of Henrietta Maria he had married a princess of the same faith. Every man knew that the court of Rome would insist, under the pretext of piety, and that the court of Paris would insist, as a point of honour, that the religious concessions made in favour of the Infanta should all be made in favour of Henrietta. Charles, in fact, had promised that the penal laws against the English Catholics should not be enforced; and before the meeting of his first parliament he had liberated a number of Catholic priests, who, according to law, were exposed to capital punish-

ment.* At the same time, any indication on the part of the commons of a disposition to draw back from the meditated hostilities, would only operate as a new motive to perseverance on the part of the favourite and of the king. To seem to have been controlled in their policy by the humour of a popular assembly, would be to their feeling a deep humiliation; the freedom of a sovereign from such restraints, being, in the mind of every Stuart, the measure of his real greatness.

The opposition in the upper house.

In the parliament of 1621 something like an organized opposition to the policy of the court had manifested itself in the house of peers, as well as in the commons. We meet with scarcely anything of this sort while the sceptre is swayed by the house of Tudor. This novelty in our history was to be attributed in part to the meddling arrogance of Buckingham, and in part to that advancing temper of the times which forced minds the least disposed to innovation into new modes of thought. At the head of these opposition peers was the earl of Pembroke, who had ten proxies at his command—only three less than were understood to be at the disposal of Buckingham.† It may be observed that not long after this time it was resolved, that no peer should hold more than two proxies, and this regulation is still in force. The house of peers on the accession of Charles I. numbered a hundred and eighteen members.

Revived dread of Romanism.

When Charles assembled his first parliament, the

* The defective manner in which the laws against Romanism were administered both by Charles and his predecessor, is often mentioned by their apologists as evincing an intelligent forbearance, raising them high above the narrow and fretful spirit of their times. But no one can observe the conduct of these princes towards the Puritans without seeing that their lenity towards the Catholics, such as it was, must have flowed from some less creditable motive. The princes of the House of Stuart, as we have intimated, looked on Romanism as favourable to every form of arbitrary power. They despaired of seeing Protestantism, especially Puritan Protestantism, so associated.

† Lords' *Journals*, iii. 431. Lingard's *Hist. Eng.* ix. 328.

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two houses set apart a day to fasting and religious exercises. By this time, the apprehension of a probable increase of the Catholic religion, which had subsided considerably when the Spanish match project had come to an end, was awakened anew.* The week which brought the commons together had brought Henrietta to her residence in Somerset House. Apartments were there assigned to a large number of attendants, and to her household, including a fraternity of Capuchin friars in addition to the royal chaplains. These ecclesiastics paraded the streets in their canonical habits. The queen's chapel was crowded with worshippers, though Charles carefully prohibited the English from being present. Priests and Jesuits made their appearance with a new boldness in many parts of the country. The services at St. Margaret's owed their origin and their character very much to these circumstances.† Some six weeks before the assembling of the two houses Charles had issued instructions to the judges, and to other officers, to 'forbear all manner of proceeding against his majesty's Roman Catholic subjects.' ‡ The commons, of course, were fully aware that such orders had been given.

The case of Dr. Montague.

The session was no sooner opened than a petition was presented to the king urging the strict enforcement of the laws against recusants. Dr. Montague, a

* We read in a letter of May 14, 'Most think that her (Henrietta) setting forth is so long and so often deferred, because somewhat more is to be performed for the Catholic cause before we shall see her; and thus we fall out of the frying-pan into the fire. I would be sorry to be so overreached; but if it be the fortune of our forwardness, who can do withal.'—MS. Chamberlain to Carleton, State Paper Office.

† MSS. State Paper Office, vol. iii. No. 1.

‡ Rushworth, i. 169-171. The object of the proposed fast, according to the petition of the commons to the king, was to give thanks for his majesty's accession, and to pray that the plague might be stayed, and the arms of the country be successful. Charles postponed the meeting for a fortnight, when the lords assembled by his order in Westminster Abbey and two bishops preached to them; and the commons required all the members of their house to join in a communion service in St. Margaret's, in the same parish. —MS. *Letters*, State Paper Office, June, 1625.

court divine, had given much offence by a work which he had recently published. The object of his book was not, as his apologists have said, merely to inculcate that virtuous Catholics might be saved. The aim of the author was to win court favour by traducing the Puritans, representing them as a people 'desiring anarchy,' and who, on many grounds, should be discountenanced and repressed. Such may have been the honest conviction of the writer, and it is not according to our notions of justice that his avowal of such a sentiment should have exposed him to punishment. But the reader will remember that the censorship of the press was with the court, and that its exercise in what it licensed, and in what it would not license, was subject to no sort of control except through the intervention of parliament.* If the publication of such books as this by Dr. Montague was to be permitted, while no effectual answer to them would be allowed to see the light, the result could not fail to be disastrous to truth and liberty. The case of Dr. Cowell, in the last reign, was one of this order. The case of Floyd, a Catholic offender, presented a more marked instance of this kind of jurisdiction as assumed by the commons, and sustained by the lords. In the case of Montague, the commons determined to make it evident that a one-sided exercise of the censorship of the press should not be without a check. The offender was placed in the hands of the serjeant-at-arms, charged with contempt of the house, and with impugning the articles of the established church. The delinquent was one of his majesty's chaplains. Charles would gladly have sheltered him from the storm which his meddling had raised about him. But the sovereign dissembled his resentment, and the delinquent was

* Of Montague the commons complain, that 'In his book he much discountenances God's word, disgraces lectures and lecturers, and preaching itself—nay, even reading the Bible; and says that never a saint-seeming Bible-bearing hypocritical Puritan was a better patriot than himself.'—*Parl. Hist.* ii. 7.

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obliged to find securities for his appearance to answer the charges against him. There was too much reason to fear that the feeling of the king was in favour of the party represented by Dr. Montague. Very soon the strongest suspicions of that nature were confirmed.*

Limitation to the grant of tonnage and pound-age.

The commons could plead precedent in support of these proceedings; they could urge no such plea in defence of their conduct in limiting the grant of the duties on merchandise at the ports to a single year. During the last two centuries this branch of revenue had been voted on every accession for the lifetime of the sovereign. But this proceeding, in common with the hesitation of the house about granting supplies, must be judged in connection with other circumstances. The conduct of parties generally at this juncture, cannot be understood except as thus viewed.

Parliament —King's speech.

Charles had opened the parliament in person. His majesty was careful to state that the war with Spain had been resolved upon with the advice of the persons to whom he now looked for a supply of the means necessary to prosecute it. He assured the houses of his steady attachment to the Protestant faith, notwithstanding some malicious rumours to the contrary. He further expressed a hope that a regard to their personal safety, in consequence of the plague which was desolating the capital, would concur with his own manifest necessities, in disposing them to make the granting of supplies their chief business. By the lord-keeper the commons were informed, that following the advice of the king, they would be allowed to re-assemble in the winter for as long a time as might be deemed necessary to settle domestic affairs.

The commons placed in a difficulty.

But the argument from the pestilence was not well chosen. Suspicion was prevalent, that the time and

* Rushworth, i. 173-176, 209 et seq. 243. Cabala, 156. Haylin's *Life of Laud*, 79-81, 86-88. *Parl. Hist.* ii. 6-11.

place of meeting had been determined in the hope that supplies might be thus hastily voted, leaving no space to recur to the grievances set forth by the last parliament, or to any further consideration touching the expediency of the war. It was true, the last parliament had pledged itself to a war with Spain. But it was no less true, that the late king, and the present, were pledged to a reformed administration as the condition of that policy. The court, however, had succeeded in placing the commons in a situation of some difficulty. To vote the supplies, would be to commit themselves to a war the expediency of which was becoming daily more doubtful; and would be to hazard the loss of their promised liberty to prosecute inquiries concerning those disorders in the government for which a remedy was so much needed. On the other hand, their refusal of the demand now made upon them, would be followed by charges of inconsistency and faithlessness. The commons endeavoured to avoid the points of this dilemma by steering between them. They resumed the discussion upon grievances at the point where it had terminated in the last parliament; but as the 'first fruits of their love,' they voted a supply of two subsidies—about 140,000*l.* It was a sum sufficient to meet immediate exigencies, but not sufficient to preclude the necessity of their being soon called upon for further assistance. Charles spoke of the grant as much below his wants, and complained of an attempt made to abolish a tax which the late king had laid on wine; but in conclusion, his majesty said that he accepted the two subsidies, and particularly the manner in which they had been voted, as a proof of the good affection borne towards him by his subjects. At the request of both houses, a recess of three weeks now took place, on account of the pestilence.*

* *Parl. Hist.* ii. 1-7. Commons' *Journals*, July. Even thus early, suspicions were expressed concerning the motives of Buckingham in

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Parliament at Oxford, 1625. Aug. 1.

After that interval, the parliament re-assembled in Oxford. The commons were there informed that the government could not proceed in its preparations for war, with any prospect of success, unless aided to the extent of two more subsidies and two fifteenths. But the house could not be brought to give any immediate attention to that subject. The recent feeling in favour of Buckingham had now wholly passed away. The prompt recall of the earl of Bristol, the English ambassador at Madrid, had been the recall of a witness whose report of proceedings in that capital differed widely from that given by Charles and the duke. The old impression concerning the duke, revived by this and other means, was greatly confirmed by the use which had just been made of certain English ships placed under the command of Admiral Pennington. In prospect of the union between Charles and Henrietta, James had promised the French king the loan of some vessels to be employed against Spain in the Mediterranean. Those vessels the French minister, cardinal Richelieu, was concerned to press into the war against the Protestants of Rochelle. Charles and Buckingham sanctioned the proposal. Of the feeling likely to be awakened by such a proceeding we may judge from the fact, that the English sailors, with the exception of a single man, refused to fight against their Protestant brethren.* When the parliament

Use of English ships against Rochelle.

declaring himself against Spain, and as to the terms of the marriage treaty with France.—MS. *Letter*, Chamberlain to Carleton, June 25, 1626, State Paper Office.

* Nearly three months since (March 8). Buckingham had written to Captain Pennington, instructing him to proceed with the Vanguard and the seven other ships under his command, to any port in France which the French ambassador should name, and there to obey the orders that should be given to him by the admiral of the French fleet. Three weeks later, the French make this demand on Pennington. But the admiral is not able to understand such instructions. By the 15th of June he learns that the meaning is, that his ships are to be used against Rochelle, and he replies that 'he has special command not to engage in the civil wars of France, and not to fight against the Protestants.' These instructions he had received

met at Oxford, the conduct of the government in this matter had become known to its leaders.*

When reproached with having forgotten their pledge to support the king with their lives and fortunes in a war against Spain, the commons replied that war had not been declared; that hostilities abroad were not to divert their attention from grievances at home; that they had seen no tendency of a hopeful kind in the government towards a removal of existing abuses; that they really wished to know whether the duke had 'not broke the match with Spain out of spleen 'and malice to the condé Olivarez;'† whether the match with France had not been negotiated on less

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from the late king. By the 29th of June there is no room for mistake as to the intentions of the English government. But Pennington, in place of giving up his ships, returns with them to the English coast, his men 'swearing that they will hang or drown' rather than engage in such a service. The answer of secretary Conway is, that Pennington must obey the French admiral—obey him entirely. So, through the month of July, the French call for the ships. Pennington and the captains under him oppose delay, excuses, protests, and the English ministers reiterate that it is the will of their sovereign that the ships should be placed wholly at the service of the king of France. These proceedings had so far oozed out, as to have caused murmurs in the parliament at Westminster, and they were exclaimed against in the pulpit before the meeting at Oxford.—MSS. State Paper Office. Domestic Series, vol. ii. No. 25; iii. Nos. 71, 91; iv. Nos. 3, 33, 37, 40, 48, 66, 67, 78, 79, 80-85, 90, 97, 100-105, 110. There was an evident fear on the part of the king and his ministers that mischief might come from this bad business. But they knew not how to say no to the French king.

* In a letter dated June 30, we read—'Yesterday morning be come hither, riding post all night, the eight masters of the eight ships that are gone to serve the French king. These men have been with the duke to excuse themselves from fighting against their brethren in religion.' 'A great duke was on board, feasted them all, offered them money and presents, and would have them fight against Rochelle and Soubise, which they refused, and thereupon came to acquaint the state.'—MS. Dr. Meddus to Mead. Birch's *Collections*. This, it should be remembered, was two months before the meeting in Oxford.

† 'To the king, the queen, and the princess,' said Buckingham, addressing Olivarez; 'I shall always prove myself an humble servant; to you never.' 'I am honoured by the compliment,' was the reply of the Castilian.—Lingard, ix. 288.

favourable and less honourable terms than the expected alliance with Spain; and whether the English ships employed against the poor Protestants of Rochelle, had not been furnished by means of subsidies granted to relieve their suffering brethren of the Palatinate? The men who retorted after this manner, began also to ask each other, whether they were to be duped into a war against the Protestant religion, under the pretence of a war against its great enemy? Whether persons who had proved so perfidious in the use of the limited means entrusted to them, should be deemed fitting men to conduct a struggle with the greatest power in Europe, and to have the sole control of the resources necessary to that object; and whether, above all, the promise to redress the grievances of the subject, should be accounted as less binding than a promise to vote supplies against the Spaniard? The want of experience in the king; the want both of capacity and principle in Buckingham; and the too manifest disposition of the monarch to follow the councils of the favourite, rather than those of his parliament, constrained thoughtful men to look with grave apprehension upon the commencement of such an enterprise. It was well known also, that the duke, by his absolute and offensive bearing, had given umbrage to 'the best sort, if not all,' even among the men in office.*

The commons, however, were not prepared to say at once—the war will be unwise, let it not be entered upon. They chose rather to discourage it, and to render it impracticable, by delays, and by limiting supplies. The present demand of the king's ministers was restricted to 200,000*l.*, but, at the same time, the debts of the government were said to be double that amount, and it was calculated that not less than 700,000*l.* annually would be necessary to sustain the contemplated hostilities.

* Rushworth, i. 195.

The first object of attention with the commons on their meeting at Oxford was religion. The next, it was decided, should be grievances. Supplies were to come last. Charles, on finding that this was the course adopted, informed the house that the appearance of the pestilence in the neighbourhood, and his own wants, forbade delay; that if they would forthwith vote the required supply, they should be convened again at Christmas for other business; but that should they choose to waste their time in fruitless debates, it would become him to show himself concerned for their health, though they might themselves be negligent of it. The house professed its willingness to grant the required assistance, but there were other matters that must take precedence. Necessity, it was said, is a bad counsellor, and had been the argument in many parliaments when supplies were sought. Those who had subjected the king and kingdom to such necessity should be prepared to answer for it. 'It is not usual,' said Sir John Eliot, 'to grant subsidies upon subsidies in one parliament, and no grievances redressed.' And this intrepid senator ventured to express his suspicion that the money already voted had not been honestly applied.* Charles was offended by these bold speeches, and declared his first parliament dissolved, on the ninth day after its meeting at Oxford.

Course of the commons.

Parliament dissolved, Aug. 12.

On the whole, we feel bound to describe the conduct of this parliament as wise and patriotic. It should not, perhaps, have attempted to lay any restriction on the grant of tonnage and poundage. Its great fault was, not in contributing so sparingly to the war, but in not protesting decidedly against it, when so many circumstances seemed to show that the result would in all probability be a vast expenditure and a disastrous issue. But the commons were charged with having been parties to this policy, and it was well

* Rushworth, i. 180, 190.

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known that to say there should be no war with Spain would be construed as saying there should be no relief to the elector. Hence their hesitancy as to taking that course, and the inconvenient perplexities and disputes in which they became involved. Nevertheless, when the king taunted them by saying, you promised to grant supplies for the prosecution of this war; they in effect rejoined, and you promised to put an end to a huge mass of abuses, and now you insist on an immediate performance of our pledge, and you altogether postpone fidelity to your own.

Nearly all the lords of the council had been opposed to the dissolution of this parliament. The king, they argued, would soon be obliged to assemble another, which would prove 'a swarm out of the same hive,' only rendered less manageable by a new sense of injury. The wisdom of this counsel was the lesson taught by the history of parliaments through the last reign. Buckingham, however, was of another mind, and his influence prevailed. Charles now solicited that help from the nobility, gentry, and clergy in the form of a loan, which he had sought in vain from the commons. To lend money in such circumstances, was not to help the king in an emergency. It was to encourage him in an attempt to supersede the constitution.*

A loan obtained.

Expedition against Cadiz.

With the money obtained from this source, and from parliament, Charles fitted out a fleet of eighty vessels, and a land force of 10,000 men, exclusive of

* The course taken in this instance was the usual one. The lieutenants were required to send up from their respective counties a list of names of persons who might be expected to contribute. Contributions were solicited accordingly, the sum in each case being named. The money was to be furnished in twelve days, and to be repaid in eighteen months. The lieutenants of Surrey sent a list of persons, not of the nobility or clergy, who should lend, and the sum that should be obtained from them is fixed at 2290*l.* The lieutenants of Lancashire fix the sum of every knight at twenty marks; of every esquire at 10*l.* But the appeal met with much discouragement in Cheshire, and in many other places, especially in and about London.—MSS. State Paper Office. Domestic Series, vi. No. 70, 128; vii. 65, 74, 88; viii. 3, 15, 39, 43, 44, 74, 86.

twenty ships borrowed from the Dutch. Much was expected from this armament by the court. But the command, instead of being entrusted to Sir Robert Mansel, an officer of some capacity, was bestowed on Sir Edward Cecil, created for the occasion viscount Wimbledon, whose only ground of promotion to such a trust, though he had served for some time in the army of the United Provinces, appears to have consisted in the favour of Buckingham. Cadiz was selected as the point of attack.

Its failure.

The fleet came within sight of the place and there had been no council of war. Such was the conflict of opinion at the moment, that the shipping in the bay, which might easily have been seized, were allowed to make their escape. It was at length determined to commence the attack on land. The commander is said to have given the men drink; and on shore they found further means of making themselves drunk. Subordination came to an end. The intended siege was abandoned, and the force re-embarked. From Cadiz the admiral sailed in search of a gold fleet supposed to be on its way from the Spanish colonies. But after an extensive cruise it was found that the enemy had passed under concealment of the night. Provisions, clothing, all things failed. Contagion broke out in one of the ships. Wimbledon hoped to recover the sick by separating them from each other, and thus spread the malady through the whole fleet, which returned covered with disgrace.*

* Rushworth, i. 196, 197. Cabala, 404-406. Sydney *Papers*, ii. 363. Rymer, xvii. 181. Nothing can be imagined more humiliating than the correspondence of the time in regard to the state in which the soldiers and sailors, and even the officers, came back to Plymouth. Their return was in the depth of winter. They are described as almost naked, as offensively filthy from the want of change of raiment, and as worn to shadows by hunger and disease. Multitudes had died from these causes, and many were dying. The people of Plymouth, and of the surrounding district, on whom they had been billeted before their departure, were obliged, in sheer humanity, to allow themselves to be thus burdened again until measures could be taken to clothe and feed the sufferers, so as to make the distribu-

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Pledge of the crown jewels.

If Buckingham's conduct of affairs had been distrusted before, his grace must now have found himself beset with greater difficulty than ever. One of the extraordinary measures resorted to on the suspension of supplies by parliament, was to pledge the crown plate and jewels. It was calculated that 300,000*l.* might be thus obtained. To accomplish this object, Buckingham, in company with his friend the earl of Holland, sailed to the Hague, a treaty offensive and defensive having been already formed with the States. The duke also concluded a second treaty with the king of Denmark, who engaged to furnish an army of 36,000 men, on the condition of receiving certain monthly subsidies, partly from the king of England, and partly from the United Provinces.

From the Hague, Buckingham would have proceeded to Paris; but such had been the libertine conduct of the English favourite on his recent visit to that capital, that his life would have been the cost of his making his appearance again in that quarter. Richelieu apprised the duke of the feeling existing in relation to him. His grace was deeply wounded by

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tion of them in other places possible. There are scores of letters in the State Paper Office full of descriptions to this effect. Many hundreds were sent by the men to their relatives and friends, the effect of which on public feeling can be easily imagined. It is clear, not only that the greater part of the army was a mere rabble, without principle of any kind, but that they were men who distrusted the government and had no heart in the undertaking. The duke asserted in the parliament at Oxford, that what had been done in making preparation for the enterprise had been done by a council of war. Sir Robert Mansel denied this assertion, and said that 'the expedition was not well counselled nor likely to prosper.' The commons decided that this 'bold avouchment' by Sir Robert should be considered the next day.—MSS. Domestic Series. State Paper Office. *Letter*, Aug. 11, 1625. See also vol. vii. 29; viii. 59, 79; ix. 10, 15, 30, 39; x. 67; xi. 64, 71; xii. 18, 22, 35, 38, 55. 'Some lay the blame on the council; the soldiers on their general (viscount Sitstill, as they call him); he on the seamen; but most on his grace, and he on Sir Thomas Lowe, and so from post to pillar.'—Chamberlain to Carleton, Jan. 19; also Mead's *Letter*, Jan. 27. Harleian MSS.

this message. Sir Dudley Carleton and the earl of Holland were despatched in his place. The instructions given to them breathed the new spirit of hostility against France which had been called forth by this interdict, and the subsequent war with that kingdom has been attributed to this event, and not wholly without reason.*

Preparations for a second parliament.

The disgrace which came upon the arms of the country while these negotiations were in progress, would only serve to augment the zeal of the king and the duke in behalf of the war. It was a stain. It must be wiped away. But to achieve that object without the assistance of parliament could not be regarded as possible. The great question was—what could be done to make a second house of commons more manageable than the first? As one mode of preparing to meet the exigency, Charles resolved, though aware of the charge of perfidy that would be urged against him by the French court, that the penal laws against the Catholics should be put into stricter execution.† The religious feeling of a large portion of his subjects was to be propitiated by that means. But with the weakness which often beset the Stuart intellect, what the king did by one movement he more than neutralized by another. To break the force of the opposition expected in the lower house, his majesty struck out seven names from the list of sheriffs for the year, and inserted in their place the names of seven of the most efficient men in the last house of

* Sidney *Papers*, ii. 360, 361. Clarendon *Papers*, i. 27. Rymer, xviii. 236, 240, 256. Dyer's *History of Modern Europe*, ii. 331.

† During the latter half of 1625, there was a somewhat rigorous disarmment of Romanists, and a considerable exaction of the fines for recusancy.—MSS. State Paper Office, vii. 2, 28, 37, 69, 71; ix. 18, 20, 22. On Nov. 16, 1625, the attorney-general Heath writes that he has presented in the courts of Westminster the king's commission for putting the laws in execution against recusants, and that the judges not only promised their faithful services, but rendered thanks to his majesty for his religious and most gracious favour to his people.—Ibid. No. 66.

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commons. Coke, Wentworth, Seymour, and Philips were among the persons precluded by this means from accepting a place in the new parliament. Such an artifice could only tend to betray the disingenuous and arbitrary temper of the king in a manner not to be misunderstood. Coke, Philips, and Seymour were all returned by county constituencies, in defiance of the royal interdict. But Charles was firm to his purpose. They were not allowed to take their seats. Wentworth concluded, for reasons which will appear elsewhere, that it was not expedient to allow himself to be placed in a position so directly opposed to the will of the king.*

Parliament, 1626. Feb. 6.

On the opening of parliament the king said that he was no admirer of long speeches, that he was not himself 'very good to speak much,' and that the lord keeper would state what was proper to be laid before them. His lordship described his majesty's affairs as being weighty and pressing, such as to forbid that the present session should be long protracted.†

The commons will inquire concerning the appropriation of public monies.

But one of the early resolutions of the commons was to consider the state of the country, and to ascertain especially whether the large sums granted since the meeting of parliament in 1621 had been appropriated according to the terms on which those grants had been made. This resolution led to a summoning of the council of war, to be interrogated. The members of that council made excuses, and pleaded delay.‡

* Rushworth, i. 201, 202. Strafford *Papers*, i. 30, 31. *Parl. Hist.* ii. 44-46. 'The king says he will not dispense with their oath, whereby they are tied during their office not to leave their shire without his licence.'—MS. *Letter*, Chamberlain to Carleton. Jan. 19, 1626. State Paper Office.

† *Parl. Hist.* ii. 38-44.

‡ Viscount Grandison, and the other members of the council, refused to answer the questions of the house, and there seems to have been some talk of sending them to the Tower. The viscount urged the king not to hazard the loss of 'the subsidies, and a difference with the commons on their account.' Charles answered, 'Let them do what they list, you shall not go to the Tower. It is not you they aim at, but it is me upon whom they make inquisition; and as for subsidies, that will not hinder it. Gold may

Meanwhile two messages came from the king urging that a large supply should be placed immediately at his disposal; promising that time shall afterwards be given for a redress of all 'just grievances, presented in 'a dutiful and mannerly way;' but intimating that there must be no curious inquiry into the past, the great want of the present being, how to order the future prosperously. The commons replied that no people were ever more loyal; that they could not apply remedies to existing evils without inquiry in regard to the sources of them; and that they were prepared to assist his majesty 'in so ample a measure 'that he might be safe at home and feared abroad.' Charles professed to accept this answer as satisfactory, but accounted what was said about grievances as a parenthesis only, and on that point said, 'I must let 'you know, that I will not allow any of my servants 'to be questioned amongst you, much less such as are 'of eminent place, and near unto me. The old ques- 'tion was—What shall be done to the man whom the 'king will honour? But now it hath been the labour 'of some to see what shall be done against him whom 'the king thinks fit to honour.' The king insisted that the duke, who had been greeted not long since with so much applause, was in no way changed, that the change was wholly with his enemies. His majesty's concluding words were, 'Hasten my supply, or 'it will be worse for yourselves, for if any ill happen, 'I think I shall be the last to feel it.'*

Charles will not allow his ministers or instruments to be responsible to parliament.

The commons saw at a glance that the constitution must become a mockery if the principle thus laid down by the king concerning his 'servants' were to be admitted. Happily, the impeachment of Middlesex and others was too recent to be set aside. Mr. Clement Coke, son of Sir Edward, and Dr. Turner, a

The commons oppose this principle.

be bought too dear, and I thank you for your offer.'—MS. State Paper Office, vol. xxii. 9. Such was the feeling of the king towards this parliament, even from the beginning.

* Rushworth, i. 216, 217. *Parl. Hist.* ii. 44-50.

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physician, brought grave charges before the lower house against the duke. Charles would have crushed these accusations as resting only on common fame. But the house decided, after a learned debate, that common fame was a sufficient ground of proceeding, either in the commons or before the lords. It was observed that the members of the government were all silent through this discussion. The commons now began to make vigorous preparation towards the impeachment; but at the same time passed a vote promising three subsidies and two fifteenths, about 300,000*l.*, to be placed in the hands of the government when they should have presented their grievances to the king, and should have received his majesty's answer.*

Charles was much moved by these proceedings. He sent a message to both houses requiring a suspension of all business, and that they should come into his presence on the following day in Whitehall. His majesty there commended the lords as having shown due care about the state of the kingdom, but regretted that he could not speak in the same terms to the commons. His only hope was, that the address of the lord keeper might suffice to convince them of their errors. His lordship complained of the favour which had been shown to Mr. Coke and Dr. Turner; protested against the doctrine that common fame might be a sufficient warrant for originating inquiries against any man; demanded that a considerable addition should be made to the supply promised; that the vote on this larger contribution should be taken not later than Saturday next; and that it should be tendered to the king 'without any condition either direct or indirect.' In a second speech his majesty proceeded so far as to say—'I think it more 'honour for a king to be invaded and almost destroyed by a foreign enemy, than to be despised by

March 29.

Charles tells the commons that parliaments exist on sufferance.

* *Parl. Hist.* ii. 50-55.

'his own subjects. Remember that parliaments are 'altogether in my power for their calling, sitting, and 'dissolution; therefore as I find the fruits of them 'good or evil, they are to continue, or not to be.'*

The house resents this language.

On returning to their house, the commons commanded the door to be locked, and the key to be placed in the hands of the speaker. The journals make no report of what happened. But 'the next 'day, so soon as they were met again, Sir John Eliot 'rose up and made a resolute speech, the sense where-'of was, that they came not thither, either to do what 'the king should command them, or to abstain where 'he forbade them; and therefore they should continue 'constant to maintain their privileges, and not to do 'either more or less for what had been said to 'them.'† Charles soon became aware of the injurious impression made by his language. Buckingham was deputed to explain and soften some of his majesty's expressions. The duke, at the same time, entered into considerable explanation of his own conduct; and secretary Conway affirmed, that what his grace had done, he had not done alone, but in conjunction with the king and council, and on grounds which warranted his proceedings. It seems that many who listened to these statements were disposed to judge less unfavourably concerning the measures of the government. But this did not preclude the commons from declaring in solemn terms, that it is 'the ancient, con-'stant, and undoubted right and usage of parliaments, 'to question and complain of all persons, of what de-'gree soever, found dangerous to the commonwealth

* Rushworth i. 218-225. How these things were regarded out of doors may be seen in the following extract from a letter of the time. 'Saturday (this day) was sent them as a peremptory day, to resolve what they would give or would not. The event we know not, but much fear. Everybody cries *Quos perdere vult Jupiter, cor dementat*; and a strong conceit possesses men that we shall perish wilfully, which God forbid.—MS. *Letters*, Mead to Stuteville. Harleian MSS.

† MS. *Letter*, Mead to Stuteville. April 8, 1626. Harleian MSS.

'in abusing the power and trust committed to them 'by the sovereign.'* The men who so spoke, moreover, knew that the fair words of the duke, and of his apologist, were far from including the whole case. The remonstrance from which the above extract is taken, contained a full vindication of the course which the house had pursued, and the season being Easter, the king desired that there should be an adjournment over the next eight days, when his answer should be given.

Charles quarrels with the lords.

Charles was not more happy in his conduct towards the lords than towards the commons. His majesty brought about an apparent reconciliation between the earl of Pembroke and Buckingham. But he arrayed the upper house against him, in a manner wholly unknown in its recent history, by his conduct towards

Arundel.

the earl of Arundel and the earl of Bristol. Arundel, the earl marshal, possessed considerable influence in that assembly. He was known to be the enemy of Buckingham, and he had six proxies at his disposal. It happened that a son of the earl had recently married a lady of the royal blood without the royal licence. The king, availing himself of old precedents, committed Arundel to the Tower. The lords declared this arrest of a peer during the sitting of parliament for such a cause to be a violation of their privileges. During three months, the altercation thus raised between the crown and the peerage was perpetuated. The business of the house was suspended. In the end, Arundel was liberated, and on making his appearance in his place was received by that grave assembly with loud acclamation.†

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* *Parl. Hist.* ii. 55-70.

† *Parl. Hist.* ii. 125-132. The notices of this dispute are scattered through more than a hundred pages of the Lords' *Journals*. It appears that the late king had sanctioned the match to which Charles took such exception. It had been favoured by Lady Arundel and the Duchess of Richmond, the parents of the parties, and without the earl's knowledge.—MS. *Letter*, D'Ewes to Stuteville. Harleian MSS. 'My lord

Not more fortunate was the course taken by the king towards the earl of Bristol. That nobleman had conducted the negotiations relative to the Spanish match until the time of Buckingham's appearance at Madrid, and he remained in that city some time after the departure of the duke. He was, in consequence, possessed of secrets the disclosure of which might prove injurious to the character of the favourite, and even to Charles himself. Since Bristol's return to England, two parliaments had been convened—one in the last reign and one in the present; but the usual writ of summons had not been sent to him. During all this time, indeed, he had been confined, by intimation from the king, to his residence at Sherborne; and it was no secret, that to be known to be in intercourse with him, was to incur the displeasure of the court. On the meeting of this parliament, Bristol ventured to address a letter to the house of lords, in which he complained of the wrong inflicted on him by his exclusion from that assembly. Charles found himself obliged to issue the writ, but sent a private letter to the earl, admonishing him that he must not act upon it. This repetition of wrong, coupled with double dealing, the earl determined, at all hazards, to expose. He sent the writ and the letter to the house, reminding their lordships that the case thus raised was not more his than their own. He also claimed the right to appear in his place, that he might accuse the duke of Buckingham of high crimes and misdemeanor. Buckingham endeavoured to parry this bold thrust of his adversary, by charging

Bristol.

Bristol charges the duke with high crimes and misdemeanor.

duke, my lord Dorset, my lord Carlisle, my lord of Holland, stood all up, one after another, to have spoken, but could not be heard.' The king at length 'signified that his lordship should speedily return. But they murmured at the word speedily, as being too slow for their desires, and would have him presently, taking it for a high indignity that the house of commons had the power to redeem two of their members in a few days, whereas their lordships cannot obtain so much in some months.' —*Letter* by Mead, May 26, 1626. Harleian MSS.

him before the same assembly, with the guilt of treason. It was assumed that a man so accused would be disabled as a prosecutor. But the lords saw the intention of this move and resisted it. They determined that the testimony of Bristol with regard to the duke, should not be affected by the charge thus preferred against him.*

Impolicy of the king's proceedings.

It should be remembered, that it was from the lords only that the king could hope to derive the support indispensable to him in the peremptory course which it was his intention to pursue towards the commons. But the umbrage thus given to that assembly could have no other tendency than to deprive him of such aid. Bristol dealt successfully with the charges of his antagonist. Buckingham was called off from his defence by the more formidable process which came up against him from the commons.†

Buckingham is impeached by the commons.

The commons on re-assembling soon digested their case against the duke, and sought a conference with the lords on that subject. Six members of the lower house were appointed to conduct the impeachment. Sir John Eliot and Sir Dudley Digges, who were of

* *Journals*, 537, 538. 'On Monday last, my lord of Bristol appearing at the upper house bar as a delinquent, Mr. Attorney-General intimated to the lords that he was there to accuse him of high treason. Then said the earl of Bristol, "My lords, I am a free man, and a peer of the realm, unattainted. Somewhat, I have to say of high consequence for his majesty's service, and therefore I beseech your lordships give me leave to speak." Which being granted, "Then, my lords, I accuse that man, the duke of Buckingham, of high treason, and I will prove it," and so presented the articles to the duke.'—MS. *Letter.* Mead to Stuteville, May 5, 1626. Harleian MSS.

† Sir Dudley Carleton, viscount Grandison, and lord Mandeville, found a reward of their courtly services by being raised at this juncture to the upper house. But that these new creations might not 'balance on the duke's side,' the lords insisted that the new peers could not 'have voices during the session, but only the privilege of sitting with the rest.'—Mead's *Letter*, May 26, 1626. Harleian MSS. 'My lord Digby (Bristol) hath moderately well satisfied the house, the duke still sitting there, although accused of the same treason that Bristol was; both houses stomach it.'—D'Ewes's *Correspondence*, 184.

this number, acted as managers. The accusations urged embraced the accumulation and purchase of places of honour and emolument; the sale of offices and titles to other persons; the neglect of his duties as lord admiral; the seizure of a French ship, and the appropriation to his own use of the rich treasure found in her; the extorting of 10,000*l.* from the East India Company; the sending of English ships to assist in the siege of Rochelle; the embezzlement of public money; the obtaining of inordinate grants of crown lands; and the administering of medicine to the late king without consulting his physicians. The speech of Sir John Eliot, on the conclusion of the pleading, was marked by great force and eloquence.*

The duke's defence.

Sir Nicholas Hyde assisted the duke in preparing an answer to these charges. Some of the points appeared to be much softened. But if the audacity in falsehood which characterises the assertions concerning the ships sent against Rochelle, may be regarded as a sample of the rest, the defence as a whole was entitled to small credit. Care was taken that the commons should not be allowed to reply. Charles sent Sir John Eliot and Sir Dudley Digges to the Tower. Sir John, in comparing Buckingham to Sejanus, was said to have compared the king by implication to Tiberius! Sir Dudley was accused of speaking slanderously concerning the king in some allusion made to the conduct of Charles towards his father in his last sickness.

Arrest of Sir John Eliot and Sir Dudley Digges.

The commons hearing of this proceeding separated immediately, that nothing rash might be done.† In

* Rushworth, i. 335.

† 'Being called out of the house (Eliot and Digges), as if the king had sent for them, both were carried to the Tower by water, and given out to be for high treason. As soon as the news thereof came into the house, they cried presently—Rise! Rise! Rise!'—MS. *Letter.* Mead to Stuteville, May 13. 'His majesty's affection no whit abates towards him (the duke), but seems rather to increase. Lord help us, what will come of these things? The distraction is great and of great consequence, and unless God show the way out we are but in ill case.'—Ibid.

the afternoon the members were to be seen in groups in Westminster Hall, and the hum of their voices as they talked of what had happened, was loud and menacing. On the next morning they re-assembled, and when the speaker broke in upon their renewed talk by reminding them of the pressure of business, the cry rose from all parts—'To your seats, to your 'seats! No business until we are righted in our 'liberties!' * Then it was that the vice-chamberlain, Sir Dudley Carleton, fresh from a long residence in foreign courts, ventured to caution the house not to vex the monarch, lest, after the example of the kings of Spain and France, his majesty should put an end to parliaments, and Englishmen should come to clatter about in wooden shoes, and look more like ghosts than men, as was the case with the people in countries which he had known. But the house interrupted this sage discourse by crying loudly—'To the 'bar!—to the bar!' and the vice-chamberlain narrowly escaped being made to recant his folly upon his knees.†

Sir Dudley Carleton's speech concerning the wooden shoes.

The lords acquitted the managers on the charges preferred against them. The commons, after a few days, procured their liberation, declaring in conclusion, without a dissentient voice, that they had not in anything exceeded the commission entrusted to them.

In the midst of the excitement raised by these proceedings, the chancellorship of Cambridge became vacant. It appears to have been supposed that the immediate election of the duke to that office would be interpreted as a weighty expression of public opinion in his favour. Charles exerted both influence and authority to secure this object. Within twenty-four hours from the decease of the late chancellor, a messenger had arrived from London to apprise the authorities in the university that they were expected to

* MS. *Letter.* Dr. Meddus to Mead, May 12. Harleian MSS.

† Rushworth, i. 359-360.

'choose the duke, such being his majesty's desire.' It was urged by some of the younger men, that it became the university to consider, whether by taking the course prescribed to them, they would not be understood as prejudging the case before parliament; whether the effect of their doing as proposed would not be to bring upon them 'scandal, contempt, and 'hatred,' as men capable of 'the most prostitute 'flattery;' and that at least, there were fourteen days, which, according to usage, must elapse before proceeding to an election of any kind. But the 'heads' would listen to no such reasoning. Defer the election until parliament has ended its suit, they said, and it will not be worth 'God a mercy.' So the 'sooner the better.' As the result of the most eager management of all kinds, the election was carried in favour of the duke, by a majority of three.*

Charles dissolves his second parliament. 1626. June 15.

While the house was still occupied with its prosecution of Buckingham, the king sent another message, stating that the supply promised must be voted within the next week, and without condition, and that delay or excuse of any kind would be accounted a denial. Four days later the commons had prepared an answer to this message. But on the following day, they were summoned to the lords 'to hear a com-'mission read for the dissolution of this parliament.' The house of peers, and the members of the council, besought the king to delay this proceeding, but his majesty answered abruptly, 'No, not for a 'minute.'

The ground of this measure soon became known. The commons, in addition to the declaration to be made by their speaker, had drawn up a remonstrance, designed not merely for the eye of the king, but for the eye of the nation. In this document, with the strongest expression of loyalty, they defended the

* Mead to Stuteville, June 3, 1626. Harleian MSS. Ellis's *Letters*.

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conduct of the last parliament and of the present, and concluded with declaring that so great was their want of confidence in the duke, that they could not vote the required supplies if to be disbursed under his direction.* Charles ordered this paper to be publicly burnt, and issued another in vindication of himself and the government. This paper was, in fact, a reply to the remonstrance, and was set forth, according to his majesty's language, not from any necessity, inasmuch as a king 'was not bound to give an account to 'any but to God only, whose immediate lieutenant 'and vicegerent he is;' but simply because it was expedient that the justice of his measures should be open to the eyes of his people and of the world.†

Weakness and disgrace of the government.

The immediate object of this policy was to save Buckingham. But by what means could the king hope to carry on the government? The state of affairs during the last six months had been such as to demonstrate, that there was scarcely any depth in national disaster or shame to which the king and the duke were not prepared to submit, rather than seem to be subdued by these ever-iterated complaints about grievances. The famishing and naked men who had

* 'The house of commons sat from eight in the morning to past four in the afternoon, then rose to dine. It is said there spoke then in the house above two hundred persons. The business was only a question whether the bill of subsidies or the remonstrance to his majesty's letter of Friday before should first be perfected. By the clamour of voices they say it could not be well discerned (which was the stronger side); but upon dividing the house, the number of those who would have the remonstrance first done was far greater than those for the subsidies. At six o'clock they returned, and sat till almost nine.'—MS. *Letter.* Dr. Meddus to Mead, June 16, 1626. Harleian MSS. The remonstrance was passed on Tuesday, engrossed on Wednesday, and the commons solicited permission to present it on Thursday. His majesty answered that they would hear from him on that day—it was the day of the dissolution.

† Proclamation was issued prohibiting the publication of the Remonstrance or of the Declaration by the speaker.—MS. State Paper Office. Domestic Series, xxx. 10. So the case of the king was to find its way everywhere, and the case of the commons was to have no utterance.

returned from Cadiz, were still to be fed, and clothed. Pay to soldiers and seamen, and to every class of officials, was in arrears to an almost incredible extent. Commanders, and agents of the government, implored through weeks and months, that means might be sent them to save the land force from dispersing to their homes, and the sailors from deserting their ships. Admiral Pennington tells the duke that his heart is breaking in being obliged to look brave men in the face who are left without reasonable provision, and lounging idly and uselessly from being so left. In the meanwhile, the Moorish pirates, and others who have learnt their bad ways, continue their depredations, to the great injury of trade, and to the great disquietude of all the maritime counties from Cornwall to Durham. Rumours come also, that the Spaniard, who is to be so signally chastised by our strength and prowess, is collecting armaments which are to accomplish what was attempted in vain in 1588. Dunkirk continues to be a thorn in our flesh, most irritating and humbling. Her cruisers flaunt their colours, and perpetrate their mischiefs, in the face of our ships, which have become powerless because the government to which they belong is powerless. The government knows all this; but answers, the fault is with the parliament—we ask for the means with which to show ourselves strong, and we ask in vain. The parliament knows all this; but answers, it is the fault of the government—let the promised end to so much maladministration come, and there shall be supplies of men and money. The country too knows all this, and is filled with shame in knowing it; but not a few who would willingly give money at the call of a parliament, refuse to lend it at the call of a king. The Amsterdam usurers shake their head at the English jewels, and doubt if the king has the power to pawn them without the consent of parliament; and contempt of the English government has come to be so far a contempt of the nation so governed, that

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an Englishman, it is said, cannot walk in the streets of Hamburgh without danger of insult.*

Arrest of Arundel and Bristol.

On the day on which the parliament was dissolved, Arundel was confined to his house, and Bristol was sent to the Tower, by orders from the king. No legal cause could be assigned in support of these proceedings. It is supposed that the king had now resolved to govern without a parliament. On this account there was nothing to regret in the necessities of the government. They might be made to furnish a plausible excuse for raising money in the name of the sovereign; and every new precedent of that nature would be something done towards establishing usages of a nature much more acceptable to his majesty than those prescribed by the constitution.

Hume on this period of our history.

The king has been described as parting with this second parliament indignant at its fickleness, its ill-temper, and its perfidy. The men, it is said, who had lately extolled the duke, were now bitterly persecuting him, and without any valid reason for this change of conduct towards him. The war, moreover, which had been so strongly urged by the commons at the close of the last reign, had become little else than an artifice to involve the monarch in expense, and to render him dependant on their pleasure.† But enough has been said to make it clear that such representations are partial, inaccurate, and adapted to produce a false impression.

When the duke professed to be at one with the nation in its aversion to Spain, and seemed to have adopted those liberal principles of government which were so much valued by the patriotic members of the commons, it was hardly surprising, that at the moment, some credit should have been given to his lan-

* MSS. State Paper Office. Domestic Series. Evidence on the matters stated in the text is scattered through the volumes in this series from xii. to xxix. To refer to all the documents would be to fill a large space with figures.

† Hume.

guage. But when it was ascertained that this apparent change was not real; that it was a mere covert to private pique, and personal ambition; and that the favourite was in everything the same man—haughty, profuse, unprincipled, tyrannical, it assuredly was not surprising that the old feeling concerning him should return, and return considerably embittered. In the face of the incompetency of the government which the Cadiz expedition had proclaimed so signally, Charles made a larger demand on the resources of the country than had ever been made upon an English parliament, and insisted that these unprecedented supplies should be voted with nothing to set over against them beyond a vague promise of some change for the better on a future day. Two years later, when Charles had indeed resolved to dispense with parliaments, it was not found difficult to dispense with war.

The king's 'new counsels.'

Charles had admonished the commons that if not more compliant they would force him to adopt 'new 'counsels.' The country was now to learn the nature of those counsels. The duties at the ports were collected without waiting for any further sanction from the commons. The subsidies, which had been promised conditionally, were now levied as though they had been formally granted. Fines were exacted from many Catholic recusants, both rich and poor. The crown lands were made to yield larger sums by means of new leases and compositions. The principal sea-ports, and the ports adjacent to them, were required to furnish a certain number of vessels for the king's use. The city of London was called upon to make a heavy contribution in ships and money. Remonstrance from any quarter was to be discouraged and put down. The lord-lieutenants were to call out the militia, and to be vested with the power of martial law. Above all, privy seals were sent to the nobility, and to all persons reputed to be men of property, and the sum required in each case was mentioned, and rated after the scale of payments

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by subsidy. In this manner the law against benevolences was clearly violated, and the function of parliament in regard to taxation was as clearly usurped. The instructions, moreover, given to the collectors of this loan, were of the most inquisitorial description; and injunctions were privately addressed to the clergy, requiring them to preach obedience to the government in such matters from the pulpit.

But these counsels are resisted.

But the country did not respond to these calls more than very partially. When the judges reasoned before an assembly of some six thousand citizens in Westminster Hall, endeavouring to show that the subsidies promised should be levied, though they had not passed as a bill, the multitude thundered forth 'A 'parliament!—a parliament! else no subsidies!' The men of Middlesex were convened to listen to similar arguments, but dispersed in sullen silence. The men of Kent evaded the matter by alleging, that to judge of the legality of subsidies was beyond their ability. Many rich men, refusing to lend, were harassed in being made to appear before the council; some were imprisoned, and some were sent on penal commissions. Many of the humbler class were sent to serve in the army or navy. One piece of ingenuity resorted to in punishing the refractory was especially vexatious and offensive—the profligate soldiers who had returned from the Cadiz expedition, were billeted on many of the most orderly families in the kingdom, where they often conducted themselves in the most flagitious manner. It is to be remembered, too, that these proceedings are to be charged wholly upon the king. Buckingham was now absent.*

* Rushworth, i. 417-221, 426. Strafford *Papers*, i. 36-41. Rymer, xviii. 7-86. Mead's *Letters*, July 22, et seq. Bibliotheca Regiæ, 298-305. 'This day the gentlemen of Lincolnshire (refusers of the loan) are all committed to the prisons here in London, and those which have remained here so long in prison are to be sent to private houses severally into several shires, most remote from their own country, without so much liberty as to go to church.'—Lord Clifford to Sir Thomas Wentworth. Strafford *Papers*,

Among the persons who refused to contribute to this loan were Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, Sir John Heveningham, and Sir Edward Hampden. These gentlemen added to their offence by suing the court of King's Bench for their writ of *habeas corpus*, that they might thus be brought to trial, and be allowed to claim the protection of the law. It appeared that the commitment of these persons had been simply by order of the king and council, without any mention of the ground of the proceeding.

Trial demanded by loan recusants.

The counsel for the prisoners declared all such commitments to be illegal, and demanded their liberation, or at least that they should be admitted to bail. But the judges would grant neither, and the knights were returned to their confinement. This was not done, however, until the illegality of such commitments had been so argued and demonstrated, as to become a conviction in the mind of multitudes which nothing was to efface. The people as they listened to the advocates of liberty, broke out 'with wonderful applause, 'even with shouting and clapping of hands.' It is obvious, that a constitution said to give to the nation the power to make laws, must be a mockery, if it be left to a government to make anything in the conduct of the subject an offence which the law has not so made.

The grand protest against arbitrary imprisonment.

The liberty of the subject was ably defended in this case by Noy and Selden. Heath, the attorney-general, laboured to support the pretensions of the crown. It was not denied that the members of the council, in virtue of their general office as magistrates, might

i. 36. 'Visiting Sir Robert Cotton, we had much discourse of the loan, and it is now feared that tenants will not take lands unless a collateral covenant be given to free them from invulgar (irregular) taxes; that markets will for a while be dead.'—D'Ewes's *Correspondence*, Feb. 2, 1627. No man dares 'move the king in behalf of any gentleman who has refused; for his heart is so inflamed in the business, that he vows a perpetual remembrance as well as a present punishment—the king takes the punishment into his own direction.'—Lord Clifford to Sir Thomas Wentworth, May 20, 1627. Strafford *Papers*.

order individuals charged with any offence against the law into custody. But it was maintained, that there must be a lawful cause assigned for every degree of restraint laid on the person of a subject, that so at the next assize the proper authorities might deal with the case as the law should be found to have prescribed. It was argued, that as a protection against wrong in this form, Magna Charta had provided, that 'no 'freeman should be taken or imprisoned, except by 'lawful judgment of his peers, or by the law of the 'land.' In confirmation of this memorable provision, a series of statutes founded upon it were cited. It was also shown, that no command of a sovereign, in whatever manner issued, could justify the imprisonment of a subject; the only authority for such an act known to the constitution being the seal of a court. Instances were adduced from the Tudor reigns of persons thus imprisoned by the privy council, or by the authority of the crown; but who, on suing for their writ, were released, or admitted to bail. It was, however, very justly maintained, that the question, after all, was not one that could rest upon precedent, 'but 'upon the fundamental laws and statutes of the realm, 'and that precedents, though they looked one way or 'the other, were to be brought back to the laws by 'which the kingdom is governed.'

The time however in which this liberty was to be made secure had not yet come. To refuse to give or lend money to the king was not to violate any law. It was not possible, accordingly, to assign a lawful cause for committing men to prison in consequence of such refusal. No law existed warranting the king to touch body or goods in such cases. But the decision of the judges was, that the sovereign could imprison without assigning any cause for the imprisonment. By this judgment the king was placed above all law. The personal freedom of his subjects was left wholly at his disposal. Men who displeased him, by not giving him money or in any other way, might be

arrested in his name, and imprisoned indefinitely. Selden was careful to show that in Magna Charta it is the king who says: 'We will not imprison without 'due process of law.' But this availed nothing. Such is the abuse of authority to be expected when judges are removable at the pleasure of the crown. The discontent raised by these proceedings was not confined to the Puritan or Patriot parties. It was general, with the exception of a few placemen and courtiers, and a section of the clergy.*

War declared against France.

The war with Spain had brought Charles into his money difficulties. As if intent upon adding to his embarrassment, his majesty now plunged into a war with France. The reader has seen that the conduct of Buckingham in the French court had led Richelieu to intimate to him that his presence in that quarter must not be renewed. The English favourite, in the height of his intoxication, had presumed to talk of love to Anne of Austria, the young queen of France. And now, the man who had affected great zeal for the elector that he might be avenged on Olivarez, affected great zeal for the Huguenots, that he might be avenged on Richelieu, and possibly gratify his vanity and his licentious passions by forcing his way to Paris. French ships were seized, reprisals were made, and it was contrived that mutual aggression should lead to national hostilities.

The duke's expedition to Rochelle.

The duke conducted an armament to the aid of Rochelle, consisting of one hundred vessels, and 7000 soldiers, boasting at the time that he hoped to become as popular a man as Elizabeth's earl of Essex. But the attempt was a failure. His grace had shown before that he was no statesman. It now became manifest that he was no general. Few charged the favourite with want of courage, but his losses were great, and his mismanagement extraordinary.†

* *State Trials*, iii. 1-234. Rushworth, i. 458-462. *Parl. Hist.* ii. 245-343.

† Clarendon, *Hist.* i. 38. Cabala, 252, 253. Rushworth, i. 423-428,

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Desperate expedients to avoid convening another parliament.

What was now to be done? Mention was made of another parliament. Charles professed to 'abominate 'the name.' It was clear, however, that there was no other method by which the requisite supplies could be obtained without hazarding the peace of the kingdom. Charles at length consented that his third parliament should be convened. But the writs were scarcely issued when new counsels prevailed. An attempt was made to raise a new loan, and some new duties were imposed on merchandise. But the experience of a week called forth a resistance which sufficed to frustrate all hopes of relief from those sources.*

Charles would be absolute—but cannot.

Hume, the ablest defender of the king, observes, that even before this time, had Charles possessed a military force on which he could depend, he would probably have 'taken off the mask, and governed 'without any regard to parliamentary privileges. 'But his army was new-levied, ill-paid, and worse 'disciplined, nowise superior to the militia, who were 'much more numerous, and who were in a great mea-'sure under the influence of the country gentlemen.' It was secretly resolved, that 30,000*l.* should be expended to procure assistance from abroad. Arrange-

462-466. Warwick's *Memoirs*, 18-28. Strafford *Papers*, i. 41 Hardwicke *Papers*, ii. 13-51. Ellis's *Letters*, iii. 251, First Series. *Bibliotheca Regia*, 224-229. Charles now began to see, what he might have seen before, that his struggle with Lewis must render it impossible that he should interfere with any effect in the cause of the elector; and that to succeed in an attempt to weaken France would be to strengthen Spain, and to render the affairs of the Palatinate only more hopeless.

* The following extract shows the state of feeling in two counties:—'Unto my lord of Northampton, lord lieutenant of Warwickshire, those gentlemen gave a flat denial, saying his lordship promised they should be paid the last loan at the next parliament, and would he now draw them to a new one before the parliament? The earl of Banbury, lord lieutenant of Berkshire, having promised the country there, in case they would, as they did, come roundly off with the late four subsidies, he would never move them to anything unparliamentary again, hath nobly performed his promise in this, refusing and sending back the letter directed to him, alleging his promise as a reason thereof.'—Mead to Stuteville, Feb. 22, 1628. Harleian MSS.

ments were actually made for bringing over 1000 cavalry, and arms for 5000 infantry, from Germany.*

Excitement at the elections.

The excitement at the elections was such as had never been witnessed in England. In Westminster, where the influence of the duke was the greatest, the court candidate lost his election by a thousand votes. The court looked on, lost hope, and the prediction commonly was, that the parliament would not be allowed to sit more than a few days. These signs of the coming storm stimulated the negotiations for assistance from Germany.† More than a hundred persons, nearly half of them knights and gentlemen, whose opposition to the recent loan had subjected them to imprisonment or restraint, were now liberated. Archbishop Abbot, too, whose refusal to license a sermon by Dr. Sibthorp, asserting the legality of loans, had been punished with sequestration from his high office, was now restored.‡

The king's third parliament. 1628. March 17.

When the commons met, the house was found scarcely large enough to contain the number of members assembled. Men spoke of the house as the most honourable and weighty that had ever been convened. The freeholders under the influence of some of the commoners, greatly exceeded those in the train of the most considerable among the peers. In fact, the aggregate wealth of the lower house was said to be three times greater than that of the upper.‖ Never-

* 'Sir William Balfour, a Scottishman, and a great commander of horse in the low countries, is employed by his majesty to buy and transport hither 1000 horses. Sir William, before he would undertake this office, desired the duke that he might plainly tell him the general voice of the people—viz., that the sending for these horses was for some design of his to subvert their liberties. Whereupon, the duke is said to have replied that he wished the plague of God might light upon him, if he intended any such matters.'—Mead to Stuteville, Feb. 16, 1628. Harleian MSS.

† Rushworth, i. 474-614. *Bibliotheca Regia*, 293, 294. Somers' *Tracts*, iv. 100, 104.

‡ Rushworth, i. 435-461, 472-474. *Parl. Hist.* ii. 207-217.

‖ MS. *Letter*, March 21, 1628. The temporal peers summoned to this parliament were 118.

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How the king addresses the greatest house of commons England had ever seen.

theless, in addressing this house of commons, Charles said—'I have called you together, judging a parliament to be the ancient, the speediest, and the best way to give such supply as to secure ourselves, and to save our friends from imminent ruin. Every man must now do according to his conscience, wherefore, if you, which God forbid, should not do your duties in contributing what the state at this time needs, I must, in discharge of my conscience, use those other means which God has put into my hands, to save that which the follies of other men may otherwise hazard or lose. Take not this as a threatening (I scorn to threaten any but my equals), but as an admonition from him that both out of nature and duty hath most care of your preservation and prosperities.'* So insensible was the sovereign to the formidable nature of the power which was at that moment before him. Nor did his majesty's advisers show themselves much wiser as observers of the signs of the times. Here are words addressed by the lord keeper, to the same assemby, on the same day:—

The lord keeper's speech.

'The way of parliamentary supplies, as his majesty told you, he has chosen, not as the only way, but as the fittest; not because he is destitute of others, but because it is most agreeable to the goodness of his own most gracious disposition, and to the desire and weal of his people. If this be deferred, necessity and the sword make way for others. Remember his majesty's admonition—I say, remember it!'†

The distrust of the commons, and the reserved

* Rushworth, i. 476, 477.

† Ibid. 479. It was observed by the lords that bishop Williams, a state offender, was not present. The house demanded the reason of his absence. The fact was, the usual summons had been sent, but with a private letter warning him not to obey it. The lords insisted on his appearance. Williams had said to the king, 'Rule by your laws and you are a complete monarch. Your people are both sensibly and willingly beneath you; but if you start aside from your laws, they will be as saucy with your actions as if they were above you.'—Hacket's *Life of Williams.*

policy of the government, as betrayed in this language, must have satisfied the popular leaders that to meet the difficulties before them successfully would require much discretion and firmness. 'We had a fast day 'on a former meeting,' said Sir Robert Philips, 'to 'pray that the plague in the city might be stayed; 'and surely we need such a day now, when so many 'plagues of the commonwealth are about the person 'of the king.' 'Well advised,' said Sir Edward Coke, 'for I fear there are some devils that will not be 'cast out except by fasting and prayer.'* The house presented a petition on this subject, to which his majesty assented.

The commons appoint a fast.

But the first debate, as usual, was not, as urged by the government, on the question of supply, but on the old question of grievances. The raising of money by loan and privy seals, and the punishments which had been resorted to in the case of persons who had refused, by billeting soldiers upon them, putting them under restraint, sending them to common prisons, and refusing them bail, or a fair trial by law when demanded, were all dwelt upon with much feeling. Seymour, Eliot, Coke, Wentworth, and Philips, all described the recent action of the government in relation to the person and property of the subject as a virtual suspension of all law and liberty. 'To coun-'tenance these proceedings,' said Sir Francis Seymour, 'hath it not been preached in the pulpit, or rather 'prated, "All we have is the king's *jure divino?*" But 'when preachers forsake their own calling and turn 'ignorant statesmen, we see how willing they are to 'change a good conscience for a bishopric.' 'It is 'even so,' said Wentworth, 'nay it is worse. They 'have rent from us the light of our eyes, enforced 'companies of guests worse than the ordinances of 'France, vitiated our wives and daughters before our 'faces, brought the crown to greater want than ever

Complaints of grievances.

Seymour.

Wentworth.

* MS. *Letter*, March 21. Harleian MSS.

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'it was, by anticipating the revenue. They have introduced a privy council, resisting at once the spheres of all ancient government, imprisoning us without bail or bond. They have taken from us—what shall I say? Indeed, what have they left us?' Sir Edward Coke concentrated his denunciations against loans. To cede, he maintained, that the king might virtually tax the subject in that form was to cede everything.*

Coke.

Seven days had been occupied in complaints of this nature, when Mr. secretary Coke tendered to the house a statement of his majesty's necessities, urging immediate attention to them. Some members would have voted supplies without farther delay. But others looked distrustful on foreign enterprise of any kind after the recent disgraces in that field. Special complaint was also made against the conduct of the government in designating obnoxious persons to foreign employments as a mode of punishment. Sir Peter Hayman, a merchant, had refused to pay his poundage to the customs until the bill on that matter should have passed in parliament. The council sentenced him to serve as a soldier in the Palatinate, and at his own costs. Sir Peter told the council he would not go on those terms. In the end he was informed that he should not go as a soldier but as attendant on an ambassador. 'I knew that stone would hit me,' said the sturdy commoner, 'therefore I settled my troubled estate and addressed myself to that service.' Great was the indignation raised by this recital.† But on the following day the house resolved unanimously that five subsidies, all to be paid within the next eight months, should be given to the king.‡

* *Parl. Hist.* ii. 231-237.

† The merchants stand unanimously out: some twenty of the better sort had last week promised to draw on the rest if they could, and finding all persuasion ineffectual, do now draw back themselves and desire to be excused.'—D'Ewes's *Correspondence*, May 5, 1628.

‡ It was upon this occasion that secretary Coke took upon him to inform the house how much his majesty was pleased with what had been done,

This treasure, however, was merely promised. It remained to be voted in the form of a bill. At this point the commons made their stand. They had shown their willingness to supply the wants of the sovereign. They were now to show their determination to protect the liberty of the subject. In their attention to this duty there was a mixture of caution and decision not often found in the proceedings of popular assemblies in seasons of excitement.

The Petition of Right.

The house presented its claims in a document known in our history by the title of the 'Petition of Right.' The object sought in this petition was, not favour, but right—ancient, legal, chartered right.* On the ground of provisions made in Magna Charta, and in many subsequent statutes, the petitioners required 'that no 'man hereafter should be compelled to make or yield 'any gift, loan, benevolence, tax, or such-like charge, 'without common consent by act of parliament; and 'that no one be called to make answer, or take such 'oath, or to give attendance, or to be confined, or 'otherwise molested or disquieted concerning the 'same, or for refusal thereof; and that no freeman in 'any such manner as is before mentioned be impri-'soned or detained.' The discussion on these great principles in the upper house extended over three

and to mention 'the service which my lord duke had done in so earnestly beseeching his majesty to give the house contentment in all their desires.' Whereupon, 'Sir John Eliot stood up and checked him, saying that in what they had done they had no respect to any but to his majesty alone, nor knew they of any other distinction but of king and subject. Whereunto many of the house made an acclamation—"Well spoken, Sir John Eliot!"' Mead to Stuteville, April 12, 1628. State Paper Office, vol. c. No. 30. 'Sir Edward Coke moved to name the times of payment of the subsidies, which occasioned a debate of many hours. It had been rejected, but Sir Thomas Wentworth, *who has the greatest sway in this parliament*, professed his desire to have something done.'—*Letter from Sir Francis Nethersole to the queen of Bohemia*, April 14, 1628. State Paper Office.

* 'We must vindicate—what? new things? No! Our ancient, legal, and vital liberties, reinforcing the laws enacted by our ancestors, by setting such a stamp upon them that no licentious spirit shall dare henceforth to violate them.'—Sir Thomas Wentworth. *Parl. Hist.* ii.

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days. The case was argued before the lords by Sir Edward Coke, Sir Dudley Digges, Mr. Selden, and Mr. Littleton, in behalf of the house of commons. Heath, the attorney-general, affected, when these learned persons were no longer present, to make light of the precedents which they had adduced, alleging that they were 'lamely excerpted out of the original 'records.' In reply, Sir Edward Coke affirmed in the commons, 'upon his skill in law, that it lay not under 'Mr. Attorney's cap to answer any one of their argu-'ments. Mr. Selden said he wrote out all the re-'cords with his own hand out of the Tower, the Ex-'chequer, and the King's Bench, that they were truly 'and properly inferred, and that he would engage his 'head that Mr. Attorney, in all those archives, should 'not find any more precedent on that subject. Mr. 'Littleton said the precedents were delivered unto 'him; and that he delivered them unto the lords, and 'examined every one *syllabatim* by the records; and that 'whosoever said they were mutilated or imperfectly 'taken spoke falsely.' Great was the displeasure in some quarters against Selden, who by this 'raising 'of records,' was said to have 'gone about to put 'enmity between king and people.' Do you not mean to hang him? was the inquiry of one hot-headed royalist.*

1628. April.

Charles returns a reluctant and insincere answer. June 2.

During two months, Charles availed himself of every sort of subterfuge in the hope that an escape from the necessity of assenting to this obnoxious measure might be possible. The lords did not attempt to deny that the effect of the petition would be to make the government of the country more conformable to its laws, but in the course of the proceedings they were induced to suggest modifications which would have done much

* Mead's *Letters*, April 18, 19, 1628. Harleian MSS. Rushworth i. 527 et seq. *Parl. Hist.* ii. 529 et seq. The reader will remember that Sir Edward Coke had been precluded from the last parliament. He was to compensate for that lack of service in the present.

to neutralize the provisions of the bill, and of the statutes on which it was based.* The judges, too, were secretly consulted. The answers of their lordships were cautiously given, but they were in substance, that the law might be admitted to be as stated in the bill, and that the practice of the government might nevertheless be as in the past. With his mind full of the idea that what he should seem to promise would really be no promise, Charles presented himself to the upper house for the purpose of giving his assent. The commons hastened to the bar. There, in deep silence, they listened for the usual words,—'Let it be 'law, as is desired.' But in place of that language, his majesty was heard to say—'The king willeth 'that right be done, according to the laws and cus-'toms of the realm, and that the statutes be put in 'due execution, that his subjects may have no cause 'to complain of any wrong or oppression contrary to 'their just rights and liberties, to the preservation 'whereof he holds himself as well obliged as of his 'prerogative.' We can imagine the sorrow and indignation with which the commons regarded this poor

* Ellis's *Letters*, Second Series, iii. 250. Hallam, 533, 534. The interest felt in these discussions beyond the walls of the two houses appears to have been great. 'All that come from London tell us the parliament is not like to hold above three or four days; that the greater part of the lords stand for the king's prerogative against the subjects' liberties; that my lord president made a speech in the upper house on the king's behalf, endeavouring to show the inconveniences that might follow from having the king so tied. Against whom the earl of Arundel stood up, and made a public protestation against the rest who were of the same opinions, concluding that those liberties which now they would betray, were those which cost so much of their predecessors' blood, and for his own part he was resolved to lose his own life rather than he would ever give consent to the betraying of them. Of his part were fifty lords and earls, Shrewsbury, Essex, Sussex, Warwick, Lincoln, Devonshire, Bristol, Say, Clare, Bolingbroke, Mulgrave, and the more ancient nobility. The bishops were divided. Canterbury, Norwich, and Lincoln for the subject.'—MS. *Letter*, April 28. Mead to Stuteville. 'The debate continued from nine o'clock in the morning till six in the evening. The like tongue combat was never heard in the upper house.'—Ibid. May 3.

attempt at deception. Every one saw that a law assented to in these novel and ambiguous terms was not intended to be a law at all.

Firmness and grief of the commons.

Much now depended on the manner in which the lower house should meet this unexpected difficulty. When the answer of the king was read in the commons, Sir John Eliot, we are told, stood up 'and made a 'long speech, wherein he gave forth so full and lively 'a representation of all grievances, both general and 'particular, as if they had never before been men-'tioned.' The object of the speaker was to denounce, with more fulness and emphasis than ever, the weak, treacherous, and disastrous deeds of the government, and to concentrate the resentment of the house on Buckingham, as on the great cause of this series of mischiefs. Never had the house of commons listened to an eloquence so full, sustained, and terrible. The ministers would have checked the orator; but the cry of the house rose—'Go on! go on!' And when all was over, a resolution was passed to cover and sanction all, by declaring that nothing had been said by any speaker which was not just and parliamentary.

The next day a message came to the house from his majesty which required the members to abstain from all new matter, and at once to conclude the necessary business, as the session would close in six days. The day following, the commons received a similar message, with a special injunction not to employ their time on subjects tending 'to the scandal of 'the state, or of its ministers.' Sir Robert Philips and Sir John Eliot lamented the attempts thus made to frustrate the just intentions of the house, and the latter was about to touch again on the conduct of government, when the speaker, 'starting up in his 'chair, said, with tears in his eyes, that a command 'had been laid upon him to interrupt any that should 'go about to lay aspersions on the ministers of state.' This was done to shield Buckingham. Eliot resumed his seat. A long silence ensued. One member, writing

to a friend the next day, says,—'Sir Robert Philips 'spoke, and mingled his words with weeping; Sir 'Edward Coke, overcome with passion, seeing the de-'solation that was like to ensue, was forced to sit 'down when he began to speak, through the abund-'ance of tears: yea the speaker in his speech could 'not refrain from weeping and shedding tears; besides 'a great many whose great griefs made them silent.'* Modern senates do not often present scenes of this nature. Happily, we know not what it is to see such interests imperilled. Patriotic feeling may well be moved when words are uttered which menace the honour, the liberty, and the greatness of a nation, and when that nation is the nation of our own speech and blood. With us it is matter of history that England was to be saved. But the men who wept on that memorable day had no such knowledge. All was in the balance to them.

Success of the commons.

These outbursts of sorrow, however, were followed by acts which bespoke the presence of firm purposes. The speaker saw that an attack on Buckingham was imminent, and begged permission to be absent for half an hour. After three hours he returned, declaring it to be his majesty's pleasure that the house should adjourn to the next morning. On that morning, Charles made his last attempt to evade a satisfactory answer to the Petition of Right. On the following day the commons were required to meet him in the upper house. There the Petition was read, and the usual answer returned. Upon which the members of the lower house, who crowded round the bar, raised loud shouts of applause. The bill relating to the five subsidies was passed without delay and unanimously.†

1628 June 7.

* Rushworth i. 609.

† The details of this session are more full in the *Parl. Hist.* (ii. 217-408) than in Rushworth or in the *Journals*. On the morning of the day when Charles gave his final assent to the petition, no man expected so happy an event. The news soon spread into the city, where 'the bells began to ring, and bonfires were kindled, the numbers whereof at length

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Value of the Petition of Right.

The Petition of Right was a memorable acquisition in the history of our English freedom. Like its venerable parent, the Great Charter, it might be viewed with jealousy by sovereigns, but it could not fail to be regarded by the people as a most solemn recognition of the great principles which lie at the root of our national liberties. Like the articles of Runnymede, its provisions might be sometimes evaded, and sometimes set at nought, but like those articles they were not to be forgotten by the nation, and were to be brought into prominence whenever the friends of popular rights should be found capable of making a stand against the encroachments of arbitrary power under the plea of prerogative. In the time to come such encroachments, if renewed, must be more than ever manifest violations of law. But the change contemplated by this act, it must be remembered, was simply a change in *government*, not in the *constitution*. The law remained as it had been. The due administration of law had become more probable.

Parliament prorogued —doubtful words from the king.

Charles now prorogued the parliament, and did so in some displeasure. The commons showed themselves inclined to declare the duties at the ports as being, in common with all other taxes, dependent on consent of parliament, and were known to be meditating a remonstrance against the mal-administration of Buckingham. Charles told them in his speech, that though not obliged to make known the reasons

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equalled those on his majesty's coming out of Spain.'—MS. *Letter*, Mead to Stuteville, June 15, 1628. 'Never saw a more general joy in all faces than spread itself suddenly, and broke out into ringing of bells and bonfires miraculously.'—MS. *Letter*. Secretary Conway to Secretary Coke, June 9. State Paper Office. A few weeks before, the king had tried to borrow 15,000*l.* from the city. The mayor refused. The duke threatened to billet six hundred soldiers on the citizens, when the mayor said, 'that the city was committed to him by his majesty, and that if any soldiers came thither they would resist them to blood.'—Mead to Stuteville, May 3. It was by such expressions of public feeling that Charles found himself shut up to the course he had now taken.

of his conduct to any authority on earth, he must apprise them that the reason of his calling them so suddenly to meet him, before his assent had been given to their bills, was their entrance on the topics mentioned. 'As for tonnage and poundage,' said his majesty, 'it is a thing I cannot want, and was never 'intended by you to ask, nor meant by me, I am sure, 'to grant. To conclude, I command you all that are 'here to take notice of what I have spoken at this 'time to be the true intent and meaning of what I 'granted you in your petition; but especially you, 'my lords the judges, for to you only, under me, 'belongs the interpretation of laws.'* 'The petition,' said his majesty, 'contains nothing new, it has con-'firmed ancient usage—nothing more.'

The effect of this language could not be good. It seemed to say that the king would use the judges as he had before used them; and that on the plea that the petition altered nothing—nothing was to be altered. But the commons knew that from this time, the sovereign could not do as he had done, without incurring new dishonour, and exposing himself to new dangers.

Fall of Rochelle—death of Buckingham.

Parliament, prorogued in June, did not reassemble before the following January. In that interval, Rochelle, aided little by our English armaments, and after enduring horrible privations, had fallen into the hands of the besiegers. With the capture of that city the power of the French Protestants was effectually broken. They can aspire to nothing in future beyond a limited toleration.† Before the surrender of Rochelle, the duke had fallen by the dagger of Felton,

* *Parl. Hist.* ii. 403-433.

† The volumes in the State Paper Office containing documents relating to this ill-fated expedition extend from number cviii. to cxxi. and over the interval from Nov. 1627 to Nov. 1628. The picture of weakness, disorder, and suffering they present is almost incredible. The common talk among foreigners was, that the day of England's greatness had passed.

a madman who by that stroke designed to avenge his own grievances, and the grievances of the nation.

Character of Buckingham.

Conspicuous as the name of George Villiers duke of Buckingham is in English history, he was not thirty-six years of age at the time of his death. He was graceful in his person, and must have been a man of considerable address to have exercised so great an influence over the mind both of James and Charles. But he possessed little practical sagacity, and disdained to be indebted to others for guidance. Among the men of rank about him he would acknowledge no equal. He was surrounded, in consequence, by dependents who were more disposed to flatter his inclinations, than to attempt any correction of his errors. Without principle of any kind, the indignation of the people moved him little, so long as the favour of the prince was deemed sufficient for his protection. His boundless ambition, and his incapacity to estimate the spirit of the times, made him the adviser of measures opposed to the most treasured liberties of the people, and filled all places with his enemies.

New policy of the court.

If anything could have saved the favourite from the power of the men whose resentment he had provoked, it would have been the policy which he condescended to adopt a little before his death. It had become manifest, that unless means could be devised to bring a greater number of the able men in the lower house to the side of the government, continuance in the course to which the king was disposed would be impossible. Every parliament dissolved for many years past, had been succeeded by another still more popular in its principles and feeling, and still more formidable from the number of able men who were thus brought into public life. It was resolved, accordingly, to see what could be done towards detaching some of the leaders in the commons from their party, by offering them a participation in the distinctions and emoluments of office.

In the last session, Sir Thomas Wentworth, aban-

doning the neutral course which he had been careful to pursue since his first appearance in parliament, in 1614, had taken his place with the popular party, and the ability and eloquence which he displayed were regarded as a great acquisition to the side he had chosen. In Wentworth's transactions with the government before this time, it might have been seen that his temper and tendencies were such as to make it much more natural that he should take part with the crown than with the people. On the dissolution of the Oxford parliament, an interview took place between Buckingham and Wentworth, in which they became pledged to mutual good offices.* Six months later we find Wentworth assuring 'my lord of Buckingham' of his solicitude to obtain 'his gracious good opinion,' and to 'rest under the protection and shadow of his favour.'† But from some cause this state of things did not hold. Wentworth was precluded from the next parliament by being one of those appointed to serve as sheriff; and subsequently he was deprived of his office as *custos rotulorum* for Yorkshire, without any reason assigned.‡ While the feeling of jealousy with which Buckingham had long regarded him was thus manifesting itself, Sir John Saville, Wentworth's

Wentworth and Saville become courtiers.

* Strafford *Papers*, i. 34, 35.

† This letter is in the State Paper Office, it has not been published, and is new to history. In it Wentworth solicits the aid of the duke, through secretary Conway, to raise him to the office of president of the north. But 'I will move no further,' he writes, 'till I know how the suit may please my lord of Buckingham, seeing, indeed, such a seal of his gracious good opinion would comfort me much, make the place more acceptable, and that I am fully resolved not to ascend one step in this kind except I may take along with me by the way obligation to my lord duke, from whose bounty and goodness I do not only acknowledge much already, but justified in the truth of my own heart, do well repose and rest under the shadow of his favour.'—Jan. 20, 1625 (1625-6). MSS. Domestic Series, vol. xviii. No. 110.

‡ Strafford *Papers*, i. 35-36. Wentworth knew that he had spared no pains to win favour at court. Yet in his speech to the 'lords and gentlemen' in Yorkshire, he in effect says, that the loss of his office as custos was in punishment of his fidelity to the public interest. 'The world may well think I knew the way which would have kept my place; I confess, indeed, it had been too dear a purchase.'—Ibid.

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great rival in the north, persuaded the government to send him a privy seal, requiring him to become a loan contributor. Should he refuse, the king, who was already suspected of holding him in some esteem, would number him with the disaffected. Should he comply, his influence with the liberal party would be lost. Wentworth, after considerable delay, which the court was not then wise enough to improve, chose to abide the consequence of refusing, and having answered with much deference at the council table, he was sent for some weeks to the Marshalsea prison. Thus slighted and injured by the court, his doubtful patriotism broke forth on the meeting of the next parliament in eloquent harangues against the oppressive conduct of the government. Ministers now called to mind the unanswered letters of this much applauded and formidable opponent, and deeming it probable that it might not even now be too late to secure his services, the lure of court favour was held out to him, and with memorable success.

Wentworth had already seen Sir John Saville raised to the dignity of a privy councillor, and to the office of comptroller of the household, as the reward of *his* apostacy. As the fruit of following this example, he was himself created baron, and within a few months became viscount, and lord president of the north. The removal of Buckingham made way for Wentworth, as in a great measure his successor—a change fraught with new dangers to the liberties of England.*

Parliament —Case of Mainwaring. Jan. 20, 1629.

Parliament, in its next meeting, raised great complaints against the increase of popery, and the favour bestowed by the government on Arminian clergymen.† The case of Montague has been mentioned, and two

* Strafford *Papers*, i. 36-48.

† Some weeks before, we read, the ministers 'are about to rectify some things both in religion and government, to sweeten things to the parliament, but most men doubt that they are not sincerely intended, and so will give little satisfaction.'—MS. *Letter*, Dec. 19, 1628. Sir Robert Acton to the earl of Carlisle. State Paper Office.

years later his conduct was imitated by Dr. Mainwaring, rector of St. Giles's. Amidst the excitement occasioned by the loan attempted in 1627, this divine preached before the king and the court. The preacher said that the man who took exception to an impost because levied by the authority of the crown only, did so at the peril of his soul. Pym, an active member in relation to all such matters, appeared at the bar of the upper house as the accuser of the man who had presumed to avow such doctrines in such a presence. After an examination extending over three days, Mainwaring was sentenced to be imprisoned during pleasure, to pay a fine of 1000*l.*, to be suspended from his ministry for three years, and was declared incapable of promotion in church or state.

Inconsistency of the king.

Charles disavowed the teaching of his chaplain; but in fact the sermon had been published by his order, notwithstanding a remonstrance against it even by bishop Laud. Parliament was prorogued a few days after these proceedings. Before the autumn session, Dr. Montague had been raised to the see of Chichester; Mainwaring had been pardoned, and the inconvenience and humiliation to which he had been subjected were compensated by a gift of the rectory of Stamford Rivers, to be held by dispensation along with the rectory of St. Giles. Men compared the words of the king with his deeds, and judged accordingly.

Rise of Laud.

Bishop Laud was already the leader of the Arminian school of churchmen. James had regarded the restlestness and pertinacity by which he was characterised with some apprehension. But soon after the accession of Charles, his lordship was translated from St. David's to the see of Bath and Wells. On the decease of Buckingham he rose to a much higher place in the service of the king. His elevation to the see of London in 1628 prepared the way to his becoming one of the most effective members of the privy council.*

* In September, 1628, the earl of Norwich writes, 'Arminius is grown.

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Attempt to augment the power of convocation.

Listening to t' e advice of such men, Charles had lately issued a new edition of the articles, containing a clause which declared, not only that the church has power to decree rites and ceremonies, and authority in controversies of faith, but set forth that the settlement of all differences in regard to discipline and worship, and concerning the true meaning of the articles of religion, pertained of right to the houses of convocation.* This very material clause had no place in the book of articles published under Edward VI., nor in the edition made authoritative by act of parliament in 1571. After that time it was sometimes inserted and sometimes omitted in the authorized copies, but it had never obtained the sanction of the legislature. The edition published in 1628 had been edited by bishop Laud, and contained the disputed clause. The warm debate introduced on this subject by Sir John Eliot, ended in the recording of a 'vow' in the journals, in which the commons of England 'claimed, professed, 'and avowed for truth, that sum of the articles of 'religion which was established in parliament in the 'thirteenth year of Elizabeth, which, by the public 'acts of the church of England, and by the general 'and current exposition of the writers of that church, 'had been declared unto them, and that they rejected 'the sense of the Jesuits, Arminians, and of all others 'wherein they differed from it.' So this attempt to augment the power of the houses of convocation was to be resisted.†

as famous as ever Arius was, and as greatly a favourite to the world, insomuch that almost the whole Christian world is become Arminian, and piety may go beg in rags if adorned with never so sound learning, either in church or commonwealth, unless policy and Arminianism put on the rochet and the robe.'—MSS. State Paper Office, cxvi. No. 11.

* *Bibliotheca Regia*, 213-216.

† Laud made a note of eight bills on ecclesiastical questions which this parliament designed to pass. They were opposed to citations if not preceded by presentations from the churchwarden; to the restricting of marriages to particular times; to the claim that scandalous clergymen should be judged only by clergymen; to the law which forbade a man to worship in a neigh-

Immediately after the last prorogation, the king's printer had prepared fifteen hundred copies of the 'Petition of Right' for distribution by sale, with the king's final assent attached to it. Charles, in a moment of inexplicable weakness, commanded the printer to destroy that edition, and inserted in the place of the assent which the commons had accepted, that which they had compelled him to recall. Nor was this enough; the ambiguous expressions in his speech at the close of the last session of parliament were added, clearly with the intention of suggesting the loose and doubtful sense in which he should interpret the document. No means could be devised to save the king from the disgrace of this proceeding. It was traced to him, and everywhere known as his deed. Its effect on a reputation which had suffered much already, was of the most injurious description. After this, who could think favourably of the king's understanding, or confide in his most solemn utterances?*

Disingenuous conduct of the king touching the Petition of Right. 1629. Jan. 21.

Charles now endeavoured to calm the excitement which his conduct had produced. He publicly admitted that the duties of tonnage and poundage were to himself, and had been to his predecessors, a grant from the subject, and assured the commons that nothing recently said by him had been intended to contravene that great principle. It was determined, in consequence, that those duties should be voted. But first it was demanded, that reparation should be made to the persons who had suffered as refusing payment of those customs on the ground that they had not been constitutionally levied. The officers who had

Charles would allay excitement.

bouring parish even when there was no sermon in his own; to the making of clergymen justices of the peace; to the requiring of subscription to anything beyond the articles of 1562; to the toleration of clergymen who preached anything contrary to those articles; and to the pronouncing of the major excommunication, except in cases of heresy. All these contemplated changes are described as being 'against the church.'—MS. State Paper Office, vol. cv. Domestic Series.

* *Parl. Hist.* ii. 435-437.

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been thus illegally employed became alarmed. They naturally fled to the king, in whose name they had acted, for protection. Charles was at length induced to admonish the house, that it was not his pleasure that any of his servants should be punished in consequence of acting according to his instructions.

The king's officers must be irresponsible. Feb.

Feeling of the commons.

The commons received this communication with amazement. They might cede that the king could do no wrong, but to cede that his ministers and instruments were not responsible would be to surrender everything for which they were contending. Such was the effect of this message that the house adjourned for two days. When it next met, the committee of religion had brought its report to a close, and a paper containing many charges, directed principally against Laud, was agreed upon to be presented to the king. Charles commanded an adjournment of several days.

Remonstrance of the house.

The commons now determined upon a remonstrance which should embrace both their civil and their ecclesiastical grievances. In the paper produced at their next sitting, they insisted that their delay in passing the bill of tonnage and poundage had been strictly necessary, if the object for which they were convened was to promote the interests of the commonwealth; and they concluded by expressing their deep regret that their endeavours to save both his majesty and the country by placing every branch of the revenue on a constitutional basis had been so far frustrated. Nothing now remained to them but to affirm 'in this 'humble declaration, that the receiving of tonnage and 'poundage, and other impositions not granted by par-'liament, is a breach of the fundamental liberties of 'this kingdom, and of the royal answer to the Petition 'of Right.'

Impeachment of ministers.

On the morning of the memorable 2nd of March 1629, prayers being ended, Sir John Eliot rose and denounced the bishop of Winchester, and the lord-treasurer Weston, as men in whom the evil policy of the late duke still found support. Advancing towards

the chair, he exhibited the remonstrance which had been prepared to be presented to the king, and called upon the speaker to read it. The speaker refused. He then presented the document to the clerk. That officer also refused. Not at all dismayed by an impediment so unusual, Eliot read the paper himself, and demanded of the speaker that he should put it to the vote. But the demand was made in vain. At length the speaker said he had been commanded otherwise by the king. This confession called forth an indignant censure from Selden. The speaker now rose to leave the chair, but was forced back again by Hollis and Valentine. Several of the privy council interposed for his rescue, but he was compelled by the strong hands laid upon him to remain sitting. Hollis swore that he should not rise until it should be the pleasure of the house to separate. All was disorder. The speaker implored, with tears, that he might be permitted to withdraw. Sir Peter Hayman, his kinsman, reproached him as the disgrace of a noble family, and as a man whose pusillanimity would make him the contempt of all future times. Hustling, it is said, came almost to blows. Men were seen with their hands upon their swords. Presently, the voice of Eliot rose above the rest. He declared that he would express with his tongue what should have been said from the paper in his hand. Throwing the remonstrance upon the floor, he placed a protestation, consisting of three articles, which he had introduced at the last sitting, in the hands of Hollis, exclaiming that nothing should prevent their making the declaration therein contained. Hollis, assuming the function of the speaker, read aloud, 'that any man who should introduce change in 'religion contrary to its teaching and order; or who 'should presume to exact, or consent to pay, the sub-'sidy of tonnage and poundage without authority from 'parliament, should be accounted a capital enemy to 'the king and kingdom.' These resolutions were carried amidst loud acclamations.

During these proceedings Charles sent, first the sergeant-at-arms, and then the usher of the black rod, to bring away the mace. But the doors were locked. His majesty was meditating a forced entrance with his guard, when, Eliot's resolutions having passed, the doors were thrown open, and the members suddenly disappeared, passing in a crowd through the street.*

Charles forbade the house to assemble again before the 10th instant. On that day his majesty went to the house of lords, and having described the leaders of the opposition in the commons as 'vipers' who should have their reward, dissolved the parliament.

Review of the proceedings of parliament to this time.

There were men in those days who were not to be ranked with the court party, to whom the speeches and proceedings of the commons in 1629 seemed to be somewhat wanting in considerateness and moderation. According to these persons, it should have been enough that the king had acknowledged the duties at the ports to be dependent, like all other imposts, on consent of parliament; and that he had ceded so much in favour of the liberty of the subject as was clearly recognized in the Petition of Right. But to extend their action to the punishment of the officers who had done the king's bidding; and to pass beyond this redress of grievances to the impeachment of ministers, was to make a larger demand on the forbearance of the king than could be accounted reasonable.

The reader, however, must bear in mind the language in which Charles spoke, once and again, concerning the divine right, and the irresponsible power, inherent in his kingly office; the distinct and emphatic terms in which he had declared all the privileges of parliament to be a matter of royal sufferance; the manner in which he had manifested these arbitrary tendencies by attempting to control the discussions of the house, and the conduct of the speaker; the vacillation and weakness of judgment which he had be-

* Rushworth, i. 660, 665-379, 691. *Parl. Hist.* ii. 441-491, 504-513.

trayed on so many occasions; and the ease with which he could descend to any measure of duplicity in the most solemn transactions with his subjects. The reluctance, moreover, with which the least concession had been made; the vengeance which had fallen on men who had become obnoxious by their popular policy; and the eagerness with which pardon and promotions had been conferred on the men who had made themselves so conspicuous by their servile teaching; all tended to strengthen the unfavourable impression produced by so many other circumstances. The commons of 1629 were too wise not to see, that it became them to insist upon securities against the action of power in such hands which it might not have been reasonable to have demanded from a sovereign of another character and of other principles. This is the Nemesis which never fails to follow on the track of wrong and falsehood. And when the king had once broached the doctrine that the instruments used by him were not to be amenable to law, it would have been to betray the national cause not to have adopted measures to bring that question to a settlement for ever. The question, in fact, being, whether the supreme authority should be vested in the will of the king or in the law of the land. Even Clarendon has sufficiently vindicated the conduct of the popular leaders in these three parliaments. He was himself a witness of their proceedings, and affirms that nothing had been done in those assemblies to justify the conduct of the government.*

The king's reasons for dissolving parliament —His majesty will govern alone.

Parliament was no sooner dissolved than Charles issued a proclamation designed to vindicate the course he had taken, and to make it clear that it became him to protect himself against such resistance in the time to come by some special measures for that purpose.

* *Hist.* i. 8, 9. That Charles should have collected the customs at the ports on his accession was natural. Trade would have stagnated if he had not done so. The question was, whether it did not pertain to the parliament when assembled to legalize the collection of them.

The opposition to the court in the commons was attributed to 'a few ill-affected persons.' By these persons the house had been induced to insist upon 'conditions 'incompatible with monarchy.' The dissolution of the parliament was the just punishment of the seducers and of the seduced. All men were now to bear in mind, that in future, persons doing the bidding of the king were to be held responsible to his majesty alone; that no such proceedings as had recently taken place would be again submitted to; that the king expected the obedience rendered to his authority to be the obedience which had been shown to the greatest of his predecessors; and the disaffected were especially to remember, that the sovereign would be found to be possessed of full power to enforce the claims of an office derived from the Deity himself, to whom alone princes are bound to give account of their actions.* Eleven years are now to pass through which Charles will dispense with parliaments, and will carry on his government by a multitude of expedients infringing not a little upon law and liberty.

Arrest of members.

His majesty had determined that the menaces in his proclamation should not seem to be idle words. Warrants were issued by the council in the name of the king, requiring nine of the more obnoxious members of the late house of commons to appear before them. These persons all insisted that for their conduct in parliament they were responsible only to parliament. Unless questioned in that court, no other court could have any right to institute proceedings against them. Their language was accounted 'immodest, unmannerly, and indecent.' Eliot, Hollis, Valentine, Selden, and Coriton, were sent close prisoners to the Tower. The studies of Selden, Eliot, and Hollis were sealed by the government officers, that their papers might be seized and examined.†

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* *Parl. Hist.* ii. 492.

† There is a letter in the State Paper Office from Sir Allen Apsley, the

Opinion of the judges.

Charles now submitted a series of questions to the judges, in the hope of obtaining a full sanction of his proceedings from that quarter. This was done with the intention of bringing the case into the Star Chamber. It is clear from manuscript papers relating to this dispute, that the king was prepared to stretch his power to the utmost against these offenders. But the judges knew themselves to be on dangerous ground, and moved with great caution. 'Can any alleged 'privilege of parliament,' said the king, 'warrant a 'tumultuous proceeding?' 'We humbly conceive,' replied their lordships, 'that an earnest, though a 'disorderly and confused proceeding, in such a mul-'titude, may be called tumultuous, and yet the pri-'vileges of the house may warrant it.' 'But if men 'in parliament shall conspire to defame my govern-'ment,' inquired the king, 'of what nature will that 'offence be?' 'An offence more or less according to 'the facts,' was the answer. 'But what would the 'offence be,' demanded the sovereign, 'if fully proved, 'irrespective of the greater or lesser aggravations of 'the facts?' Their lordships replied, 'In all humble-'ness we are willing to satisfy your majesty's com-'mand; but until the particulars of the facts appear, 'we can give no more direct answer than before.'*

Construction given to it by the government.

The construction put upon this language was, 'that 'an offence committed in parliament, beyond the 'office, and beside the duties of a parliament man,' might be punished without reference to parliament. The government insisted that in this case the fault had been of that 'exorbitant' nature. The defendants

lieutenant of the Tower, which shows that the prisoners were rigorously kept from all intercourse with their friends or with each other. Selden had to plead hard for the use of pens, ink, and paper, and obtained that indulgence only under certain conditions.—MSS. Domestic Series, vol. cxxxix. 19, 78. Rushworth, i. 662-691. *Parl. Hist.* ii. 504-524. 'The king,' said the attorney-general Heath, 'has resolved so to punish these ill members, that the ages to come may be warned by their folly.'—MS. *Letter*, State Paper Office, cxxxix. March 7.

* MSS. State Paper Office, cxli. 44.

affirmed the contrary; and maintained that whatever their conduct may have been, it pertained to the parliament, and to the parliament alone, to take the first cognizance of it. The judges still hesitated; confessed that the case involved a point of law; that counsel ought to be heard upon it; and that the court of Star Chamber accordingly was not the court into which it should be brought. It was passed, in consequence, to the court of King's Bench.*

The case goes to the court of King's Bench.

In that court it was argued by Mr. Littleton, for the defendants, that the ground of commitment was insufficient, and that the prisoners should be discharged or admitted to bail. Heath, the attorney-general, took the opposite view. It now remained for the court to deliver its judgment. But when call was made for the accused persons they were not presented. The functionaries to whose charge they had been assigned were obliged to state, that the prisoners had been removed to new custody the day before by order from the king. This was an old artifice. By such means the subject had often been defrauded of the protection which the law was designed to secure to him, and the punishment of an indefinite imprisonment had been inflicted without the verdict of any court to warrant it. It was urged by the counsel for the defendants, that the court might deliver its opinion on the point of law which had been raised, though it could not pronounce judgment in the absence of the accused. But their lordships were concerned to say no more on this very inconvenient topic than they were obliged to say, and remained silent.

The king evades judgment by removing the prisoners.

In fact, on the preceding evening, the judges had received a letter from the king, stating that 'as their 'lordships had not resolved the main question, no good 'end could be served by allowing the prisoners to 'appear, nor would that favour be granted until their 'temper and discretions should become such as to

* MSS. State Paper Office, cxliii. 4.

'make that course expedient.' When this form of illegal punishment had been extended over some thirty weeks, his majesty, under the advice of the judges, consented that the prisoners should be released on finding bail for their good behaviour. But the prisoners asked no favour, and would accept none. Bail, they said, to ensure our appearance to answer any charge that may be preferred against us on a future day we are willing to give; but bail for good behaviour in the future, supposes bad behaviour in the past, and that we are not prepared to admit even by implication. 'We demand to be bailed,' said Selden, 'as a point of right. If it may not be granted on that 'ground, we do not ask that it should be granted at all.'

Decision of the court.

Now came the decision of the judges, which said that the conduct of the defendants amounted to 'a con-'spiracy to slander the state, and to breed sedition and 'discord between the king, his peers, and his people;' and that to judge concerning such conduct even in parliament pertained to their office. The sentence pronounced on the delinquents was, that they should be imprisoned during the king's pleasure; that no one of them should be released without acknowledging his offence, and finding security for his good behaviour; and that Valentine should be fined 500*l.*, Hollis 1000 marks, and Eliot, as 'the greatest offender and ring-leader,' 1000*l.** So the right of the commons of England to judge concerning what is or is not parliamentary conduct in a member of their house, was superseded by a judgment in the King's Bench; and every man using any freedom of speech in that assembly was to remember that the terrors of that tribunal were wholly at the service of the government to punish him. Every house of commons claimed freedom of

* Rushworth, i. 622-691. In the conduct of these confessors in the cause of English liberty, Mr. Hume saw a vulgar pandering to popular passions—nothing more. It is of such men as Selden and Eliot that the historian can thus write.

debate, and every sovereign professed to cede it. But freedom of debate, subject to such conditions, must be a snare and a delusion. The promised liberty was worse than destroyed.

Fate of Sir John Eliot.

The career of Sir John Eliot was now approaching its close. This 'greatest offender' in the cause of public right during the first three parliaments of this reign, was a native of Cornwall, where he possessed extensive property. His studies in Oxford and in the inns of court contributed to give to his speeches and writings the philosophical and statesmanlike character by which they are distinguished. Before his appearance in parliament he had travelled on the continent, and at that early period had come to be on friendly terms with George Villiers, afterwards duke of Buckingham.

His relation to Buckingham.

When the duke became lord-admiral, Eliot became vice-admiral of Devon; and there is a letter extant from Eliot to Buckingham which shows that this friendship, such as it was, had continued down to the close of 1623.* There is also a letter in the State Paper Office, not known to our historians, in which Eliot, writing to the duke so late as the 1st of April 1625, addresses him in language partaking of that high tone of eulogy which was much too common in the correspondence of that day, especially when approaching men high in office. In this letter Eliot expresses himself as being very desirous of his highness's favour, as having hoped through a long time for the honour of kissing his hand, as deterred by the remembrance of the death of the late king from any new action until further command should be laid upon him; and concludes with saying, 'I will in the mean-'time settle all my resolution, and become wholly 'devoted to the contemplation of your excellence, 'retaining my endeavour in the same readiness which 'has always been professed.'† Six months only after

* Cabala, 412, 413.

† State Paper Office. MSS. *Charles I.* Domestic Series, i. No. 25.

this letter was written, Eliot is heard pronouncing himself strongly against the government in the Oxford parliament; and only six months later still, he becomes a foremost man in conducting a solemn impeachment of the favourite.

Causes of Eliot's hostility to Buckingham.

When these circumstances and dates are considered, it is hardly surprising that there should have been some suspicion—some unfriendly rumour, as to the motives of Eliot's fervent patriotism in the early parliaments of this reign. But his character may be fairly vindicated. It is to be remembered that Eliot's career in parliament began in 1624, and that it was from the beginning what it was at the end—the career of a man resolved on the correction of abuses, and on upholding the principles of the popular party in church and state. The letter to Buckingham on the death of James may be taken as evidence that Eliot was among those who had placed faith in the representations and promises of the favourite, on his return from Spain, and that when he so wrote, he hoped to see the duke concur sincerely in the measures of the popular leaders. His old acquaintance with Buckingham might naturally have inclined him to such confidence; and nothing could be more conducive to the object of his party than that they should succeed in taking his grace along with them. But before the reassembling of the two houses in Oxford, Eliot and all his friends had come to regard the duke's professed hostility to Spain as a mere covert under which he sought to gratify his personal resentments; and had become especially indignant as the information reached them concerning the orders of his highness to admiral Pennington, requiring that the fleet under his command should be placed at the service of the king of France, to be employed against the Protestants of Rochelle. The news of that event put an end at once to all expectation of a Protestant and liberal policy from Buckingham. His name became identified with the most guilty treachery. Trust in him ceased to be possible.

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It will be admitted that the change in the feeling of Eliot, and of others, was strongly marked and comparatively sudden; but the change of circumstances was also strongly marked and comparatively sudden. We know also that the deliberation and decision with which Sir John Eliot committed himself to his course as a political antagonist to the duke, were such as cannot be reasonably attributed to any merely personal feeling. It is clear that what he did was done in a full foresight of the probable cost—a cost which was seen as likely to involve the loss of property, of liberty, and of life. It soon became known, that before entering on this perilous enterprise, his substance, moveable and immoveable, had been formally conveyed to his sons. Having in that manner protected his children, he stood prepared to bear any amount of personal privation to which his public conduct might expose him. What men do in a fit of resentment is not so done. When the royal officers would have exacted from him the heavy fine imposed by the judges, on this his third lodgment in the Tower, they were obliged to report that the means of payment did not exist. When informed that the sheriff of Cornwall and five commissioners, all his known enemies, were employed in an inquiry concerning his lands and goods, Eliot smiled, and said, 'I have two coats, two suits, 'two pairs of boots and galoshes; and if they can 'pick two thousand pounds out of that, much good 'may it do them.' *

Prison experiences of Sir John Eliot.

In the 'dark and smoky room' to which he was confined, the patriot was allowed, at his earnest request, the use of books and of writing materials. His prison hours were employed in reading, in meditation, and in writing; or in correspondence with his sons, his

* MS. *Letter*, Meade to Stuteville, Feb. 27, 1630. I must refer the reader to Mr. Forster's *Life of Eliot* for an answer to the pitiable attempt of the elder Disraeli to destroy the character of this English patriot.

friends, and particularly with Mr. John Hampden. To the direction of that gentleman Eliot had committed the protection of his children. His papers being liable to be searched, it was only with the greatest secrecy that he could communicate with friends or relatives; but some of his letters have been preserved, and they present both Eliot and Hampden before us, not only in the light of pure moralists and high-minded statesmen, but as men whose spirits were wrought to the temper of a pure and elevated Christianity.

Many petitions were presented to the king praying for Eliot's release. One is said to have been signed by all the gentry of Cornwall. But Charles, indulging just now in the pastimes of a court and in the sweets of power, forgot the victim in his state prison—or rather, did worse than forget him. Time passed, and the mind of the sufferer was found to be proof against all the means employed to break it down. But the body was less equal to the conflict. Sickness invaded it, and consumptive symptoms became manifest. The prisoner's medical attendants reported that his recovery depended entirely on his being admitted to a purer air. They even petitioned the judges thus far in his favour. But they were told by chief-justice Richardson, 'that though Sir John was brought low 'in body, yet was he as high and lofty in mind as 'ever, for he would neither submit to the king nor to 'the justice of that court.' *

Petitions the king.

As his malady advanced, Eliot was at length persuaded to petition the king. He did so in these words: 'Sir,—Your judges have committed me to 'prison here in your Tower of London, where, by 'reason of the quality of the air, I am fallen into a 'dangerous disease. I humbly beseech your majesty 'that you will command your judges to set me at 'liberty.' The only answer obtained to this petition was—'It is not humble enough.' Prevailed on by

* MS. *Letter.* Pory to lord Brooke, Oct. 25, 1632. Harleian MSS.

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his children, Eliot prepared a second petition. It was as follows—'I am heartily sorry I have displeased 'your majesty, and having so said, do humbly beseech 'you once again to command your judges to set me at 'liberty; that when I have recovered my health I 'may return back to my prison, there to undergo such 'punishment as God hath allotted to me.' So did the dying man pray, and pray in vain! No answer was returned. The lieutenant of the Tower told him that his last petition had not been presented in due form. That officer advised him to prepare a third, which, if so framed as to acknowledge his fault, would, he thought, be successful. The sick man replied—'I 'thank you, sir, for your friendly advice; but my 'spirits are grown feeble and faint, which, when it 'shall please God to restore unto their former vigour, 'I will take it further into my consideration.'*

His death.

The few days now left to Eliot were spent by him in looking to that future life which, as his letters show, filled his thought and imagination with hallowed visions. From the sovereign who could show no pity, he looked to One whose tender mercies are over all his works. On the 15th of November, 1632, his attorney described him as so far spent that it was not probable he would live a week.† In less than that space he had expired. He was not more than forty years of age. His children petitioned the king for his body, that it might be taken to Cornwall, and interred in the family vault. 'Let Sir John Eliot's 'body be buried in the church of that parish where he 'died'‡ was the answer returned by his majesty.§ So

* MS. *Letter.* Pory to Lord Brooke, Dec. 16, 1632.

† MS. *Letter,* Nov. 15, 1632. Harleian MSS. ‡ Ibid.

§ In the case of Sir John, Mr. Hume thus writes:—'Because Sir John Eliot happened to die while in custody, a great clamour was raised against the administration, and he was universally regarded as a martyr to the liberties of England.' Such is the spirit in which our history is written, and our great men are disposed of, by an author who has been allowed to influence English ideas in regard to English history beyond any other man through nearly a century past.

the passion which is the reverse of love may grow by what it feeds upon.

Subjects must not say when there should be a parliament.

It was expected that a vigorous policy of this nature would be found to subdue the prevalent disaffection. Charles accordingly issued a second proclamation, in which he declared that he should account it presumption in any one to mention a time for convening another parliament. The calling of such assemblies was wholly dependent on his majesty's pleasure, and an event not to be expected until his subjects should learn to judge more favourably of his actions. In the meanwhile, however, the laws of the kingdom should be the rule of his proceedings.*

End of his majesty's war policy.

Charles now brought his war policy to an end. The French Protestants were left to the tender mercies of their Catholic assailants. The king of Spain made promises in favour of the Palatinate, but they were made upon secret conditions which rendered them of small value. Philip would be the friend of the Protestants of the Palatinate, if Charles would assist him in chastising the Protestants of the Netherlands. The foreign policy of the king of England shared in the faults of his domestic policy; the same inconsistency and insincerity characterized both; and as the double-dealing of the English monarch rarely escaped detection, he came to be distrusted by his brother princes hardly less than by his own subjects. Hence, when his troubles thickened about him, his neighbours left him to deal with them as he best could.†

Further seduction of popular men by the court.

The attempt made on the part of the government to strengthen itself by detaching some of the parliamentary leaders from the popular cause, was extended from Saville and Wentworth to Sir Dudley Digges,

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* *Parl. Hist.* ii. 525.

† The reader who would go into this subject should consult the following authorities. Clarendon *Papers*, i. 48-50, 109-126, 779-782. App. xxxi.-xxxv. Carleton's *Letters*, xxv. xxxiii. lv. Rushworth, ii. 24-25. Hardwicke *Papers*, ii. 54-93. Dumont, v. *Parl.* ii. 580-583.

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and to the distinguished lawyers, Noy and Littleton, and with similar success. Digges became master of the rolls; the office of attorney-general was conferred on Noy, and that of solicitor-general on Littleton. Sir John Coke and Sir Dudley Carleton, old members of the administration, acted as secretaries of state. Lord Coventry retained the great seal—the privy seal was held by the earl of Manchester. Sir Richard Weston, afterwards earl of Portland, was lord treasurer. With the aid of these persons, and especially with the assistance of Wentworth and Laud, Charles addressed himself, in the fourth year of his reign, to the dangerous enterprise of governing the people of England without a parliament.

The ministry.

Taxation without a parliament.

The recent grant of five subsidies, and the reduced expenditure on the return of peace, had lessened the king's necessities. But the property of the crown had been so squandered during the last reign, that to meet the ordinary expenses of the government large supplies, and such as should be sought only through the medium of a parliament, would be indispensable. Another meeting of parliament however being indefinitely postponed, the ingenuity of the king and of his ministers is to be constantly exercised in devising modes of taxing the people by the authority of the crown, to the exclusion of all suffrage on such questions from the representatives of the nation.

Municipal reform at Huntingdon —Oliver Cromwell.

Free parliaments being so little to the mind of the king, it was natural that his majesty should look with some jealousy on free corporations. But if national parliaments might be dispensed with, it was not possible to dispense, even for a season, with those city and borough parliaments, if we may so call them, which had grown up with our population from Anglo-Saxon times, and which were based on a widely popular suffrage, called into action every year. The next best thing to extinguishing those normal schools of agitation, as they were deemed, was to limit the action of the popular element in them to the narrowest space

possible. It was determined accordingly, that where it should be accounted practicable, the election of mayor and aldermen should not be annual, but for life; and that, in some instances at least, the nomination, not only of the recorder, but of the mayor, should be with the crown. Huntingdon was one of the boroughs subjected to this new act of state. Early in 1630, Mr. Robert Bernard, a barrister, was appointed recorder of that town, and became conspicuous as a promoter of this inroad upon its ancient liberties. But the men of Huntingdon protested strongly against the innovation, and at the head of the protesters was 'Oliver Cromwell, esq.,' who had been one of the members for the borough in the last parliament. In the baptismal register of the now extinct St. John's church in Huntingdon, the name of the future protector is thus entered:—'Oliver Cromwell, son of Robert Cromwell, esq.;' and the gentleman's residence in the skirt of the town, which was occupied by Robert Cromwell, esq. at the time of that baptism, was occupied by Oliver Cromwell, esq. at the time of this municipal reform agitation. The malcontents made the position of the new recorder and of the new mayor so little agreeable to them, that they appealed to his majesty's council for protection against the annoyances with which they were beset.

The council issued a warrant requiring Oliver Cromwell, esq., to appear before them; and Cromwell stood before their lordships, a man in custody, prepared to defend himself and his brother delinquents. He was remanded after his first appearance. During five days he was under restraint. On the sixth the case was entered upon. The hearing which followed is said to have been 'long' on both sides, and the 'contrariety and difference' to have been great. The council seems to have despaired of bringing the matter to a satisfactory conclusion, and referred the decision of the case to the earl of Manchester, then resident at Hinchinbrook, the seat formerly of Cromwell's uncle, a

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few miles from the borough. The earl approved of the change which made the future elections to office to be for life, but ceded that some new restrictions should be laid on the power of the persons so chosen, and on the ground of this compromise the suit came to an end. Cromwell is said to have consented that past differences should be forgotten; but we may doubt if it was really so, inasmuch as he soon afterwards sold his property in Huntingdon, and removed to St. Ives. The cost and annoyance of this business would not tend to soften the temper of Cromwell towards the men in high places.*

But the grand difficulty with the government was to ensure submission under the modes of raising money which were to be introduced or expended at the pleasure of the crown.

Illegal imposts.

By the royal authority alone the legal duties on many articles of merchandize were increased, and many which had hitherto been free were made subject to an impost. The officers of the customs, moreover, were instructed to enter into any dwelling-house, warehouse, or vault, in search of the kind of property on which duties had been laid, and to destrain the goods of all persons who being liable to such exactions failed in payment. Nor was that enough: those functionaries were to apprehend all persons who should utter 'scandalous speeches against the government.' So the country was not only to suffer, but to suffer without presuming to complain.† In support of these proceedings, says Clarendon, 'obsolete laws were revived;' and when these failed 'supplemental acts of state' were foisted in to supply the deficiency. In this manner, it is added, the king hoped to show his sub-

* We are indebted for our knowledge of this fact in Cromwell's history to the recent examination and classification of the MSS. in the State Paper Office. MSS. *Charles I.* Domestic Series, clxxvi. No. 34. Calendar of State Papers from 1629 to 1631. Preface viii.—xi. That a new charter was issued to Huntingdon has been known—nothing more. Carlyle, i. 100.

† Rushworth, ii. 9.

jects how 'unthrifty' a thing it was to force upon him a strict inquiry as to what he might claim as his own.*

What was done by monopolies.

The reader has seen that much was done by parliament under Elizabeth, and still more under James, towards putting an end to the malpractice of aiding the revenue by granting to certain persons the conclusive right to sell certain commodities. During the eleven years which followed the dissolution of the parliament of 1629, this unwarranted and mischievous usage was revived to an unprecedented extent. The patents, as they were called, which were now issued, were mostly to companies, which, to realize their object, were invested with much inquisitorial power, not a little hostile to liberty, and irritating to the public feeling. As the patentees generally paid a heavy price for their privilege, they were of course left to reimburse themselves by raising the prices of the articles which could be obtained only from their hands. In this manner the community was subjected to a new system of taxation—of taxation levied by the crown, with the aid of a cormorant host of

* *Hist.* i. 119. Chambers, a city merchant, was one among a great number who questioned the right of the king to collect duties at the ports or elsewhere without consent of parliament. Chambers went so far as to say that merchants were more free in their traffic in Turkey than in England. He was sentenced to pay 2000*l.* and to be imprisoned until he should make submission before the council, the Star Chamber, and in the exchange. The language of the sturdy Puritan was, 'Put me above or under ground, in light or in darkness, I will never acknowledge the sentence given against me in the Star Chamber to be just.' But for all this stoutness, says our authority, 'he cannot get 3000*l.* of goods out of the hands of the officers of the customs.'—MS. *Letter*, Mead to Stuteville, Dec. 19, 1630. Through nearly twelve years Chambers suffered and protested, and in the end was reduced to poverty. Vassal, another merchant, refused to pay a duty on currants, the officers seized property to ten times the value of the impost, and the council sent the offender to prison. Noy took up the cause of this man, and pleaded that to seize his property in this manner and to imprison his person, was to punish the same offence twice over, and contrary to law. —Ibid. Dec. 5, 1630. Of course the intention of the government was to make such men warnings to others.

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monopolists.* The court itself was crowded with men who had succeeded in obtaining grants of this nature. No man in England, for example, could vend tobacco without obtaining it under the patent mark of my lord Goring. So in numberless instances.

In 1637 this abuse had grown to be so monstrous that the earl of Northumberland writes to Wentworth concerning it as follows:—'So much favour has been 'shown of late to projectors, that there are few in 'court who have not some suit of this nature either 'granted or under consideration. But the king the 'other day had divers of them brought up before the 'committee of trade, his majesty being present, when 'fifty of them were condemned. Now the king has 'fallen upon a right understanding of this abuse I 'hope he will absolutely suppress it. For they have 'gone about laying heavy impositions both upon 'home and foreign commodities, the profits of which 'go to private persons, which has spread discontent 'through the whole kingdom.†

* 'The new soap-boilers pay the king 30,000*l.* for two years and 40,000*l.* a year ever after.' Bitter complaints were made against this monopoly soap. It was said 'to burn the fingers, to scald the laundresses, and to waste infinitely in keeping, being full of lime and tallow.' But though the mayor of London found it difficult to keep the peace on this question, it was ruled that the washerwomen must be silenced and the monopolist soap must stand.—Strafford's *Letters*, i. 176, 446. 'Many new projects and patents passed the seals lately. One Captain Lashly has got a patent to collect the penalty imposed by statute upon *swearers*, so that in every parish there shall be a sub-collector or two who shall be the king's servants.' But the money collected in this case, it is said, was to be distributed among the poor, 'according to the intention of the statute.'—Ibid. July, 1635. 'The licences of tobacco go on apace, they yield a good fine.'—Ibid. June 3, 1634. But these matters did not always go smoothly. 'The proclamations which have come out for rating all achates (provisions) have done little good. They will not bring them to London as heretofore, so that housekeeping in London is become much more chargeable.'—Ibid. June 3, 1634.

† Strafford *Letters*, ii. 71. The official papers relating to these 'projects' fill a large space in Rushworth. See vol. ii. pp. 12, 26, 49, 91, 92, 111, 136, 143-145, 186, 187, 196, 252, 253, 300, 323, 333, 348; 452, 839, and the xviii. and xix. volumes of Rymer.

Nor was it in fiscal matters only that royal proclamations were to come into the place of laws. The authority which affected to determine the price of food in the market determined where it should be eaten. The congregating of influential men in London was accounted dangerous. In 1632 Charles required all persons who had residences in the country to leave the capital. A gentleman named Palmer failed to obey this injunction. He was cited before the Star Chamber, where he pleaded that he was a bachelor, and that his house at a distance had been burnt down, and was in process of rebuilding. But he was fined 1000*l.* 'Most men wondered,' says a contemporary, 'that Mr. Noy, the attorney-general, should thus take 'away men's liberties at one blow, not allowing them 'to live where they may choose in the king's domi-'nions.'* Some of the means used to enforce obedience on this point were singular. For this purpose 'all game fowl, such as pheasants, partridges, ducks, 'and hares, were forbidden by proclamation to be either 'dressed or eaten in any inn.'† It is easy to imagine the effect likely to be produced by such puerile meddling with the social habits of the people.

Proclamation against residence in London.

One action of the legislative power now given to royal proclamations was especially arbitrary and grievous. Elizabeth and James had often prohibited the increase of buildings about London. But such interdicts were known to be illegal, were little heeded, and the metropolis continued to enlarge its borders. James, when in his greatest want of money, had ventured to levy considerable fines on some offenders of this class, and Charles resolved to follow his example. The houses which had been recently built without any sanction from the crown were said to yield a rental of 100,000*l.* a year. On a given day the owners of this property were summoned before certain

Proceedings in relation to new buildings in London.

* Sir Simonds D'Ewes's *Autobiography*.

† Strafford *Letters*, i. 176. Rushworth, ii. 187.

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commissioners, and those who refused to compound for the alleged contempt at the rate of the rental for three years, were fined in a much heavier amount in punishment of their contumacy.

Nor were these vexatious proceedings restricted to the suburbs. They were extended more or less to persons who had innovated in this manner within the walls of the city. The corporation hesitated to execute the mandates of the commissioners. In chastisement of their temerity they were put to much trouble concerning their large property in Ulster. Their settlement there was declared a forfeiture, and the sum of 70,000*l.* was exacted from them.* Even the duke of Bedford, whose large property west of Temple Bar had been created under a royal licence, was not allowed to escape the trouble of this kind which came upon his neighbours.

Umbrage given to landholders by a revival of the forest laws.

Nor was it enough that discontent should be thus raised through the city and its suburbs: a feeling of the same kind was diffused among the landholders and the aristocracy by a similar course of exaction based on the old forest laws. Our earlier history abounds with remonstrances against the reservation of those vast tracts of territory to the crown known by the name of the royal forests. In the course of centuries considerable encroachment had been made on those neglected domains, sometimes by the poor, more largely by the rich. The national feeling was always in favour of seeing those wastes thus appropriated. But it seemed to be the fate of the house of Stuart never to feel as the more healthy-minded among Englishmen had always felt. An inquiry was now instituted concerning titles to lands once a part of the domain of the crown, with the intention of exacting fines wherever the right to possession could not be legally established. Most of the counties of England were

* Rushworth, ii. 49, 92, 93, 111, 411, 412. Clarendon, i. 151, 152. Whitelocke's *Mem.* 35. Strafford *Letters*, 206, 243, 262, 263, 463.

filled with alarm by the rigour of these proceedings. In Northamptonshire alone the following fines were levied:—Sir Robert Banister and Lord Newport 3000*l.* each.; Sir Lewis Watson 4000*l.*; Sir Christopher Hatton 12,000*l.*; the earl of Westmoreland, 19,000*l.*; lord Salisbury 20,000*l.* Nor was this all. Charles revived an old law called the statute of Ely, which exposed proprietors to discretionary fines for converting arable land into pasture.*

Enforcement of the old feudal law concerning knighthood.

In some of the measures adopted by the government even the appearance of a regard to law was dispensed with; and in others, while the semblance of a homage to legal prescription was exhibited, the spirit of the law was flagrantly violated. No one denied that the time was, when upon the coronation of a new sovereign persons holding land of a certain value were expected to present themselves to the king and to receive the honour of knighthood. But every man knew this custom had become obsolete long since —so much so that at his majesty's coronation the old summons to the parties concerned had not been issued. Nevertheless, Charles decided that the usage should be supposed to have been as present to men's thoughts as it had ever been, and that not to have obeyed a summons which had never been sent, should be judged an offence, and be punished as such. The penalty, which, after a lapse of years, was to follow this alleged delinquency, was a fine, not less in any case than at the rate of two subsidies and a half, in many on a more weighty scale.† But men were slow in submitting to the exaction. It was found necessary to cite a considerable number of the nobility to Whitehall as defaulters. The earl of Essex, one of the number, said to the privy council

* Clarendon, *Hist.* i. 120. Rushworth, ii. 268, 300. Strafford *Letters*, ii. 117. D'Ewes's *Autobiography*, ii. 137.

† Rushworth, ii. 70, 135, 214-219, 275; iii. 135, 136. *Parl. Hist.* ii. 948.

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that he had been present at the coronation, had assisted his majesty to robe and unrobe on that day, and had stood prepared to receive knighthood, or any other honour, his sovereign might have been disposed to confer on him. Such a demand in such circumstances, seemed to his lordship extraordinary and unreasonable. The lord treasurer inquired—'Are you prepared to stand to that plea?' 'Yes,' was the answer. So said they all.*

Cromwell resists the knighthood fine.

In fact, the government was obliged to institute commissions through all the counties of England to enforce compliance. The gentlemen who usually managed county business were called everywhere to this service. They were required to ascertain the number of persons possessed of property to the value of 40*l.* a-year, and to report to the commissioners in London the names of all who should be found obstinate in their refusal. In Huntingdon, the chief commissioner was Sir Oliver Cromwell, of Hinchinbrook, godfather and uncle to the future protector. Among the names which came under the cognizance of the Huntingdon commissioners were three Cromwells. Henry Cromwell of Upwood, another uncle to the great Oliver, who showed that he had compounded with the commissioners in London; Henry Cromwell, junior, son of Sir Philip Cromwell, and cousin of the protector, who compounded with the commissioners in Huntingdon; and Oliver Cromwell of Huntingdon, who would not compound either with the London commissioners or with those of his own county. Oliver Cromwell, as may be supposed, was not alone in his resistance. Between thirty and forty persons were summoned to appear in the court of the exchequer as defaulters. While the grave consequences of such an appearance

* MS. *Letter.* Pory to Puckering, June 26, 1631. Harleian MSS. By this time, the sum thus raised amounted to 70,000*l.* and it was expected to reach 100,000*l.* The average fines were from 10*l.* to 20*l.* But they 'expect from lord Pierpoint no less than 2000*l.*'—Ibid. MS. *Letter,* March 6, 1631.

were before them, the local commissioners were required to summon the delinquents once more, to remind them of the forbearance which his majesty had shown himself disposed to exercise towards them, and of the penalties which must be incurred by their disobedience. Eleven of the persons summoned did not appear. Fifteen presented themselves. Of this number eight made excuses. Seven paid the composition. At the head of these seven names stands the name of 'Oliver Cromwell of Huntingdon, esq. 10*l.*' But these names are all in the hands of the clerk; and it is evident that the name of Cromwell was not inserted until the list had been written out, and had been accounted complete without it. It is placed first, that being the most available space, and in being placed there it has been written along a somewhat narrower opening, and in a somewhat smaller hand. How was this? It has been supposed that it may have happened because Cromwell resisted the persuasion of his friends until the last moment: or, what is more probable, that resisting to the last, his royalist uncle, Sir Oliver, to save him from the mischiefs which might have followed, paid the 10*l.* for him.* But such was the feeling with which this demand of the government was met. It gave deep offence to many among the small landholders; and added that feeling to the sense of injury which had been produced by similar measures among these citizens of London, and through many families of the nobility.

Ship-money.

But the grievance which especially filled the public mind with alarm, and hastened the struggle between the crown and the people that could not be far distant, was the grievance of ship-money. The apostate vigilance of Noy discovered among the records in the

1634.

* This is another incident in the early life of Cromwell unknown to his biographers. The evidence relating to it has been buried during more than two centuries among the neglected documents in our State Paper Office.—MSS. *Charles I.* Domestic Series, clxxxix. No. 46.

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Tower, that, on emergencies, writs had been repeatedly issued to many seaports, and sometimes to the adjacent districts, requiring them to supply a given number of vessels for the defence of the kingdom. By the courtiers these precedents were accepted as of great value. It does not appear that Noy contemplated the application of his discovery beyond the seaports; and even there he probably viewed it as giving the king warrant to claim, in certain circumstances, that a number of vessels should be placed at his disposal for a certain time. That this demand of ships should become a demand of money, and of money from the whole kingdom, to pass into the exchequer, and to be used at the pleasure of the crown, was a development of his scheme by other minds.

Public feeling on this question.

The people everywhere saw the new tax in its real significance. 'Never,' says a contemporary, 'have I 'seen so many sad countenances in England as have 'been occasioned by this measure. Everywhere men 'give utterance to their grief and amazement. The 'sum now to be raised is not to exceed some 300,000*l.* 'But all men feel that this precedent once admitted, 'this sum may be doubled, trebled, raised to any 'amount. Many refuse to pay, and those who comply 'generally do so in sheer terror of the consequences 'which may follow their being reported as recusants. 'Some indeed, who see all this, are prepared to con'gratulate the king on his never needing to convene 'a parliament.'*

Charles obtains the opinion of the judges.

Disturbed by the prevalence and strength of the resistance made to the demand of the government, Charles hoped to sustain his policy by obtaining an opinion from the judges in his favour. Sir John Finch, the man who as speaker of the last house of commons, had refused to read the remonstrance from the chair, had become chief justice, and he now gratified the expectation of his patrons by prevailing on the judges

* D'Ewes's *Autobiography*, ii. 132-136.

to declare, that where the safety of the kingdom is concerned, the king, by his writs, might require all his subjects to provide at their own charge the ships, seamen, and equipments necessary to that end; that concerning the existence of such danger the king only should be the judge; and that in such cases his majesty might compel the refractory to do his bidding. Crook and Hatton dissented from the opinion of their brethren, but signed it on the unsatisfactory plea that the majority included the minority.

Resistance to the levy of ship-money.

In the early part of 1637 the sheriff of Essex reported some threescore persons in that county as refusing to pay the sums demanded from them.* In the preceding year, Richard Chambers, the well-known Puritan merchant, dared publicly to question the legality of the impost. The lord mayor imprisoned him as a recusant. Chambers commenced an action against his lordship. But judge Berkley decided that though there was no rule of law to justify the imprisonment of the plaintiff, there was a rule of government sufficient to warrant it, and on that plea counsel were not allowed to question the legality of the impost. Necessity of state, of which the government was to be the judge, thus came into the place of law.† Early in that year, lord Say endeavoured to bring this question into the court of King's Bench by commencing an action against the sheriffs under whose order his goods had been seized.‡ But verdict from that quarter was not to be obtained until John Hampden sued for it.

Chambers.

Lord Say.

Mr. John Hampden was a country gentleman, who had been always characterized by the mildness of his disposition, and the modesty of his deportment. As the friend of Sir John Eliot, and the guardian of his children, Hampden, we must suppose, had been known

John Hampden.

* MS. *Letter*, Feb. 7, 1637. Harleian MSS.
† Rushworth, ii. 323.
‡ MS. *Letter*, Feb. 14. Harleian MSS.

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through many years past as a politician who took his place among the friends of popular liberty. He was now required to pay the sum of twenty shillings, as the amount of the assessment upon the estate, or part of the estate, on which he resided in Buckinghamshire. He ventured to express a doubt as to the propriety of submitting to an extra-judicial opinion of the judges on such a matter, and claimed that the question should be judged in a court of law. His claim, though it had been more than once resisted, was in fact so reasonable, and in the present instance was so unexceptionably urged, that the policy of rejecting it became very doubtful. By this time, moreover, discontent had waxed loud, the government greatly needed some reinforcement, and a decision of the judges in open court, in support of its proceedings, would be eminently serviceable. Nor could the court regard it as improbable that such a decision might be obtained.

Trial of the question in the court of King's Bench.

During eleven days this question was argued. The name of John Hampden was on every tongue. The course of the trial was watched with intense interest by court and country. On the part of the crown, an appeal was made to the Anglo-Saxon tribute named Dane-gelt, and to some analogous customs in remote times. But it was urged in reply, that our knowledge concerning those customs was so imperfect and contradictory that they could none of them be admitted as precedents. It was then shown that in later times, to obtain a supply of shipping, the crown had often pressed vessels into its service, or had compelled the ports, and sometimes the maritime counties, to provide them. But on the other side it was contended, that no sanction could be derived from such facts in favour of the present writs, which, instead of calling upon the sea-ports, or the sea-board counties, to provide shipping, called upon the whole kingdom to pay according to a fixed assessment in money. In defence of the crown, it was further argued, that the king might assuredly exact assistance of this nature from

his subjects in times of emergency, inasmuch as the space occupied in convening a parliament, and in obtaining help by subsidies, might expose the kingdom to incalculable dangers. But to this favourite pretext it was sufficient to rejoin, that certainly the present was no such crisis, since the writs themselves did not contemplate the preparation of the proposed naval force in less than six months. But the grand argument of the popular advocates was still to be adduced. There were statutes older than the race either of our Stuart or of our Tudor princes, which declared that no Englishman should be taxed without consent of parliament; and this great maxim in our constitutional history had been confirmed in the most explicit language, and after the most solemn manner, in the Petition of Right.

Perplexity of the judges—their decision.

The judges were greatly perplexed. During three months they employed themselves in endeavouring to escape from the difficulties of their position. At the close of that interval seven gave their decision in favour of the crown. Crook and Hatton took the side of Hampden. The remaining three were substantially of the same judgment. The fact that his majesty's writs might be thus openly questioned was not a little damaging to the court policy; and this long suspense of the judges, after discussion, tended to diffuse and deepen the conviction that the case of the government must be untenable. When the decision came, tardy and divided as it was, the court affected to regard it as a triumph. But the general feeling from this time was, that ship-money had no foundation in law, and was a bad precedent, of which a bad government intended to make a very bad use.*

Relation of Laud and Wentworth to these proceedings.

There were two men who were especially concerned in disposing the king towards the policy we have

* Rushworth, ii. 325-345, 353-364, 481 et seq. 725-730. Clarendon *Papers*, 49, 75, 83, 105 et seq. App. xxvi. xxxii. Howell's *State Trials*, iii. 852 et seq.

described, and in holding the misguided sovereign to his purpose when he became committed to it. We scarcely need say that these persons were Laud, the archbishop of Canterbury, and baron Wentworth, lord-lieutenant of Ireland. By these three—the king, the primate, and the lord deputy, the responsibility of this revolution was assumed, and on them the weightiest consequences involved in it were to descend. Documents exist which disclose to us the feeling and purpose with which these great actors in the affairs of those times prosecuted their measures, and attention to these disclosures is imperative if praise and blame are to be righteously distributed when the great catastrophe arrives.

In January, 1635, one of Wentworth's correspondents informs him of the recent proceedings in the matter of ship-money. The corporation of London, he is told, hesitated to execute his majesty's writs in relation to that tribute, but that on being summoned before the lords of the privy council, and reprimanded, they returned home, and soon began distraining the property of the citizens for payment. Their want of forwardness in this business, it was said, would cost them not less than 35,000*l.* They levied heavy contributions on foreign merchants, amounting, in some instances, to between three and four hundred pounds. 'Great sums,' says our authority, 'in one tax; and 'we know not how often it may come. It reaches to 'us in the Strand, being within the liberties of West-'minster, which is required to furnish one ship. My 'lord of Bedford must pay 60*l.*, my lord of Salis-'bury 25*l.*, my lord of Clare 40*l.* Nay, even lodgers 'are assessed, for I am set down at forty shillings. 'I tell my lord Cottingham that I would rather pay 'ten subsidies through a parliament than ten shillings 'in this new-old way.'*

The aim of Laud and Wentworth.

But Laud took no such exception to what was

* Strafford *Letters*, i. 358.

done. Writing to Wentworth some months later he says, 'Let me tell you, that as in the last year there 'was money raised upon the ports, according to 'ancient precedent, for setting out the navy, so we 'are now about to provide a greater navy for next 'year. And because the charge will be too heavy to 'be laid exclusively on the ports, or on the maritime 'counties, his majesty has thought fit *a paritate rati-* 'onis, for the defence of the whole kingdom, to 'extend it to all counties and corporations within 'England and Wales.'* Wentworth, as may be supposed, watched these proceedings with great interest. Writing nine months later, the viceroy of Ireland says:—'The opinion delivered by the judges, declaring the lawfulness of ship-money, is the greatest 'service that profession has done to the crown in my 'time. But unless his majesty has power to raise an 'army by such means as well as a navy, the crown 'rests, as it seems to me, but on one leg at home, 'and will not be more than half itself in the sight 'of foreign princes. But if it would be well to provide both army and navy by that assessment for the '*defence* of the kingdom, why should it not be just 'by such payments to transport both men and money 'into foreign states, and, after the manner of our 'Henries and Edwards, to prevent war at home by 'carrying it abroad? And if this would be good for 'England, why should not Scotland and Ireland be 'brought by degrees into the same custom?' Such were the visions of the future in English history which were present to the imagination of Wentworth. Such was the freedom from 'condition and restraint' which he hoped to see 'won from the subject' by the English crown.†

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July 6, 1635.

The check given to these schemes by John Hampden, and by the people, who seemed spontaneously to regard him as an embodiment of their

What the primate and the viceroy would do.

* Strafford *Letters*, i. 438. † Ibid. ii. 61, 62.

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thought and passion, filled the viceroy with the bitterest indignation. In another letter to the primate he says:—'It is strange indeed to see the frenzy 'which possesses the vulgar now-a-days. It is a 'grievous and overspreading leprosy. But the remedy 'is not to be expected from the hands of every physician. The cure, under God, must be brought 'about under one Esculapius alone, and must be 'effected by corrosives rather than by lenitives. Less 'than *thorough* will not overcome it. There is a 'cancerous malignity in it which must be cut out. 'It has long resisted all other means. * * * 'Hampden is a great brother (a Puritan), and the 'very genius of that people leads them to oppose all 'that authority ordains, whether civil or ecclesiastical. 'But, in good faith, were they well served, they 'would be whipped home into their right wits.'*

Identity of purpose in the king, the archbishop, and the lord deputy.

Charles entered so fully into this policy of Laud and Wentworth, that he had looked with much misgiving on the intention of the latter to convene a parliament in Ireland. 'Take good heed of that 'hydra,' said his majesty, 'for you know that I have 'found it both cunning and malicious. It is true 'your grounds are well laid, and I assure you I have 'great confidence in your care and judgment. Yet 'my opinion is, that *it may not be the worse for my 'service if their obstinacy should cause you to break with 'them*, for I fear they may demand more than it will 'be fitting in me to grant.'† So Charles may be said almost to have hoped that the expected parliament might prove refractory, and that a pretext might be thus given for resorting to those extraordinary measures in Ireland which had become so ordinary in England. It happened, however, that the two houses in Dublin were induced to grant everything, and to content themselves with very moderate concessions in return. Still the king urged that they should not be

* Strafford *Letters*, ii. 136, 138. † Ibid. i. 233.

allowed to sit too long. 'My reasons,' said Charles, 'are grounded on my experience of such assemblies 'here. They are of the nature of cats—they ever 'grow crusty with age. Young ones are most tract- 'able.'* Wentworth ventured to submit, that while as little disposed as any man to bear with the insolence of such bodies, there were few great changes that could be introduced without their sanction so safely as with it.† But the difference between the king and his minister was a difference as to expediency, not at all as to principle. 'The proper office 'of kings,' said Wentworth, 'is to redress wrong by 'immediate acts of sovereignty, and to protect their 'subjects without the intervention of any parliament, 'or of any body, between their light and the eyes 'of the people.‡ Such was the conspiracy against English liberty which was going on in high places in this country between 1629 and 1640. If to plot against a crowned head must be treason, what name should be given to this plotting against the chartered rights of a great nation?

Court of Star Chamber.

Charles found it much more easy to govern by means of the courts of Star Chamber and High Commission, than through the court of King's Bench. The course of proceeding in the Star Chamber against bishop Williams sufficed to show that the decisions pronounced by that tribunal might often be the effect of personal resentment, more than of any due regard to law.§ The indignities and tortures inflicted by its order on Prynne, Bastwick, and Burton are, well

* Strafford *Letters*, i. 365. † Ibid. 379.

‡ Strafford *Letters*, i. 245. Addressing the earl of Fingal, the leader of the more liberal party in Ireland, Wentworth said, and boasted afterwards of having said, 'The calling of parliaments is the peculiar of kings, so locked up in the sacred breast of his majesty, that it were a want of good manners to pry into his counsels, or to speak of them further than he may be disposed to reveal them.'—Ibid. 246. May 1634.

§ For the origin and character of the court of Star Chamber, see vol. ii. 306.

known. The victims in this case belonged to the several professions of law, medicine, and divinity. It was a perilous thing to identify the Church of England in the public mind with arbitrariness, injustice, and cruelty, in its dealings with such men. It must be confessed that these polemics knew how to match their assailants in invective. But Prynne, and especially Burton, had a right to complain of hard measure. Bishop Hall, now known chiefly by his devotional writings, was then known as a divine of Puritan tendencies, but as a relentless opponent of all innovators who presumed to pass the limits which he had prescribed to himself.* The front of Burton's offending was, that he had assailed Romanism with some rudeness, in a work intitled 'The Baiting of the Pope's Bull;' that he had published two or three books without licence; and especially that in his censures on a work published by bishop Hall he had interpreted the writer so as to have made him affirm the church of Rome to be a true church.† But the time had come in which the language of the court was to be the only

* The following letter by bishop Hall bears date June 11, 1631. It was addressed to Laud, when bishop of London. 'Right rev. and honourable, with best service; I was bold the last week to give your lordship informa- of a busy, ignorant, schismatic lurking in London. Since which time I hear, to my grief, there are eleven several congregations (as they call them) of Separatists about the city, furnished with their idly pretended pastors, who meet together in brewhouses, and such other meet places of resort every Sunday. I do well know your lordship's zeal and careful vigilance over that populous world of men, so as I am sure your lordship finds enough to move both your sorrow and holy fervency in the cause of God's church; neither do I write this as to inform your lordship of what you do not know, but to condole the misery of the time.'—MSS. *Charles I.* Domestic Series, cxciii. 69.

† MSS. *Charles I.* Domestic Series, cxix. 58; cxli, 81. State Paper Office. Burton's defence was so well written that it was alleged some lawyer must have done it. Suspicion fell upon St. John, counsel to lord Say, and officers were sent to St. John's study to seize his papers, but to no purpose.—Strafford *Letters*, ii. 85. The reader will be aware of the temper in which these men met their sentence. Laud's great grief was, that gagging had not been added to the pillory, ear-cutting, &c.—Letter to Wentworth, Aug. 28, 1837.

language tolerated on such topics. Even bishop Hall was to feel the rigour of the restraint which he was not unwilling to see imposed on others. In one of his intended publications he would have shown that the theology of the English church is not Arminian. But bishop Laud's chaplain informs him, as licencer of the press, that those passages must be omitted, and they were omitted accordingly.*

Proceedings against booksellers and printers.

During the sitting of the last parliament persons were deputed to ascertain the number of booksellers in London, and to bring in catalogues of all the new or old books in their possession. The names of thirty-nine were returned, eight of whom carried on their business in Chancery Lane, and ten in Little Britain. In one place the inspectors found a copy of Pareus on the Romans, a book which had been condemned in Oxford in the last reign; and the 'Chronicon,' of Buchanan, which was known to be obnoxious from its republican tendencies. These volumes the bookseller was to keep until further instructed as to what should be done with them.

Printers, as may be supposed, were visited with penalties in common with booksellers and authors. Michael Sparkes, one of the most conspicuous in this class of offenders and sufferers, denied the right of the

* MSS. *Charles I.* Domestic Series, cxxxvi. 81. The attorney-general filed an information in the Star Chamber against Sir Robert Cotton, for '*intending* to raise false, scandalous, and seditious rumours against the king and his government.' Sir Robert was attached to constitutional government, but was known to be a very cautious and moderate man on such questions. The charge against him was based on the fact that a discourse had been found in his study which set forth, in a satirical vein, how a prince had best proceed, if disposed to make himself independent of parliaments. The paper had passed into the hands of the earls of Bedford, Somerset, and Clare. It was proved to have been written by Dudley, earl of Northumberland, in the last reign. It was decided, however, that the study of the antiquary should be sealed and searched; and under the reproach thus brought upon him, and a long separation from his books and papers, Sir Robert's grief became such that he died of a broken heart.—D'Ewes's *Autobiography*, ii. 38-42. *Gentleman's Magazine*, xxxvii. 335. Fairfax *Correspondence*, i. 206-208.

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Star Chamber to send forth the regulations it had issued concerning printing. Its province was to administer law, not to enact it, and no statute had given it power to do as it had done. He dared to speak of the proceedings of that court in this respect, as an invasion of the liberty and property of the subject, contrary to the provisions of Magna Charta and of the Petition of Right. He would not give any evidence that should convict other persons. He affirmed that he had not printed anything inconsistent with the teaching of the church of England, and claimed that the hard imprisonment he had endured should be deemed penalty enough.*

Seizures in the house of Sir Edward Coke.

We have evidence that this jealous guardianship of the press, which called forth so much of the vigilance of Laud, was an object in which the feeling of the king kept pace with that of the primate. Early in 1631, Sir Edward Coke was supposed to be dying. Charles was at Newmarket, and by his command, lord Holland wrote to Dorchester, secretary of State, informing him that measures must be taken to prevent the intended publication of a certain book by Sir Edward. His majesty fears, it was said, that it may contain things 'to the prejudice of his prerogative;' and that as the writer 'is so great an oracle among 'the people they might be misled by anything 'which carries such authority.' The instruction was, that should the lawyer die, care should be taken to seize all his papers, and to seal his study. But the venerable man did not die until 1634. Then, however, the above instructions were acted upon to the letter. The royal officers entered Coke's house, probably

* MSS. *Charles I.* Domestic Series, clii. 22, State Paper Office. The vigilance of the censorship did not suffice to prevent the appearance of a multitude of large or smaller publications to which its sanction would not have been given. One of Wentworth's correspondents writing to him from London in 1637 says, 'It is well something were done, for in my experience I have never known so many strange books printed as come out daily.'—Strafford *Letters*, ii. 74.

his dying chamber, and carried off fifty manuscript volumes, many private papers, and even the last will of the deceased. His majesty sent for a trunk which Windebank had hesitated to break open, and opened it himself. 'Besides marriage settlements, it contained a few articles of jewellery, relics perhaps of her whom he termed his "first and best wife." Some old gold and silver coins, and among a variety of private papers, "one paper of poetry to his children." All the papers seized were retained for many years. 'Upon a motion made respecting them by one of 'Coke's sons in the Long Parliament, the king directed 'them to be given up.' Such as could be found were delivered, but his will, and many other documents were never recovered.* This proceeding may be taken as a fair sample of the hard rule exercised by Charles and his ministers during the years now under review.

In fact, so great was the terror diffused by the Star Chamber, that every man needed to look well to his company before venturing to give expression to opinions of the slightest exceptional kind on men or measures. Even in the private correspondence of the age there is a perceptible change. To write or to receive a letter written in any other than the most courtly language was by no means safe. An attorney in Buckinghamshire was so little reverential towards great men as to have said more than once that the majority among them were fools. His free speaking subjected him to a suit in the Star Chamber and to a fine of 2000*l.*† Mr. Fowkes, a merchant, writing to his factor in Leghorn, regretted the dissolution of the last parliament, and did not see that profit or honour could come from it. The letter passed into the hands of the attorney-general, who summoned the writer to answer for indulging in such reflections.‡ The wife

* MSS. *Charles I.* Domestic Series, clxxxiii. 18. Mr. Bruce's *Calendar.* Pref. xxv.-xxvii.

† MS. *Letter.* Pory to Puckering, May 12, 1631. Harleian MSS.

‡ MS. *Letter,* Mead to Stuteville, Dec. 19, 1630.

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of Burton presented a petition in favour of her husband, and was sent to prison for so doing.* The licensed victuallers petitioned against some grievance, and the persons who presented the petition fell under the like penalty.† We do not know all the circumstances of these cases, but we know enough to make it certain that they were cases of great arbitrariness and injury. Not only was the property of the subject to be at the service of the sovereign, but the conduct, the language, and as far as possible the very thought of the nation were to be of the type prescribed by the government.*

Court of High Commission—its new conformity.

The court of High Commission concerned itself mainly with ecclesiastical questions, but both laity and clergy were made to stand in awe of it. And bishop Laud added much to the business of this court by wielding its terrors in support of his 'new conformity.' This conformity consisted in the revival of a large number of mediæval ceremonies which the defective legislation of the English church had not rescinded, and which, as not formally rescinded, might, it was said, be still used. Hence the services conducted by the primate at the consecration of St. Catherine's church was such as might have satisfied St. Anselm, or a college of cardinals. The communion table now became an altar. Pictures, images, and burning tapers became symbols of orthodoxy. Hundreds of ministers, whose consciences would not allow them to read the 'Book of Sports,' or to conform to these new observances, were

* MS. *Letter* to Puckering, Feb. 7, 1637. † Ibid., Jan. 23, 1634.

‡ Rushworth, ii. 55-58, 220-240. *State Trials*, iii. 385-387, 562 et seq. 711 et seq. Laud's *Diary*. Lord Morley called Sir George Theobald a 'base rascal' within the royal palace, and was fined 20,000*l.* and committed to the Tower. Sir David Foulis persuaded some persons in Yorkshire not to compound for their knighthood, and spoke slightingly of Wentworth. Laud avenged his friend by causing Foulis to be deprived of his magistracy, to make an apology, and to pay 5000*l.* The money raised by such processes during the years through which there were no parliaments, is said to have amounted to not less than six millions sterling.—Rushworth, ii. 219. Strafford *Letters*, i. 146 et seq. and 335.

deprived of their livings, and many of them lodged in prison: at the same time much was done to discourage preaching. Popular preachers, called lecturers, who were much occupied in pulpit services without holding a cure, were prohibited from so employing themselves. The afternoon sermon, much valued by Puritan congregations, was suppressed generally throughout the kingdom. One minister read his majesty's proclamation concerning Sunday sports, and then preached from the text, 'Remember the Sabbath-day to keep it holy.' Another having read the proclamation, read the decalogue, and then said, 'You now have before you the commands of God and man: choose whom you will serve.'*

Disquieting effect of the primate's policy.

Many of the clergy who would have complied with the injunctions of his majesty and of the primate in most things, often found the state of feeling about them to be such as to make their doing so exceedingly difficult. Every expedient was tried by such men to soothe his grace into some patience and forbearance. An incumbent in the manufacturing town of Braintree, writing to the archbishop, gives us a picture of what was taking place over the greater part of the kingdom, especially in such neighbourhoods:—'It is 'no easy matter to reduce a numerous congregation 'into order which has been disorderly these fifty years, 'and which for seven years past has been encouraged 'in that way by all the refractory ministers in the 'county, with whom they have had acquaintance, and 'private meetings, and who have left divers schisma-

* Strafford *Letters*, i. 166. Rushworth ii. 79, 110-140, 150-152, 186, 187, 191-196, 455-462. *Canterburie Doom*. 97-150 et seq. 376-379. *Proceedings of the Committee of Religion in Kent in* 1640. Camden Society's publications. 'His grace is a gallant man, and likely to continue so. Among other reformations, he hath forbidden all preaching in private houses, amongst which her grace's of Richmond is included.'—Strafford *Letters*. Cottington to Wentworth, Oct. 29, 1633. 'The French and Spanish ambassadors were both at the king's mask. It was performed on *Sunday* night.'—Ibid. ii. 148. This was in 1637.

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'tical books among them, and during their continu-
'ance here have laboured to make my person and
'ministry odious, because I would not hold correspon-
'dence with them. If I had suddenly fallen upon the
'strict practice of conformity, I had undone myself,
'and broken the town to pieces; for, upon the first
'notice of alteration, many were resolving to go to
'New England, others to remove elsewhere, by whose
'departure the burden of the poor and the charges of
'the town had become insupportable to those who had
'stayed behind. By my moderate and slow proceed-
'ing I have made stay of some, and do hope to settle
'their judgments and their abode with us when the
'rest, who are inexorable, are shipped and gone;
'meantime, I am subject to censure above, and here
'to hatred and obstreperous clamour.'* Such was the unsettledness diffused through hamlet and village, and through town and city, by the meddling of his grace of Canterbury.

Discipline for the laity.

Meanwhile the morals of the laity were taken under the discipline of the primate hardly less than the opinions and practices of the clergy. Persons in the middle, and even in the upper classes, were summoned, imprisoned, fined, and subjected to degrading penances by purely ecclesiastical authorities. What the statutes of the realm were, or should have been, to the king, the canons of the church were to the archbishop. The two monarchs often entrenched somewhat on the province of each other; but each may be said to have been a sovereign in his own domain, and neither was disposed to allow his authority to be an authority in name only. The pride of the rich was deeply wounded by this sacerdotal impertinence. The resentment of the vicious became very bitter.†

* MSS. *Charles I.* Domestic Series, ccx. 44, State Paper Office.

† Sir Robert Howard and lady Purbeck were said to be living in a criminal relationship. Laud sent them both to prison. The lady avoided exposure in a white sheet, and other inconveniences, by making her escape in male attire, and finding an asylum in France. Even there the arch-

It was not unreasonable that clergymen of a character to please the primate should be regarded by the people as intending to bring about a reconciliation between the church of England and the church of Rome. Laud, indeed, does not appear to have contemplated a union of the two churches; and he deemed it right to place some check on the zeal of that portion of his followers who were certainly in favour of such a consummation.* He openly avowed his preference of an unmarried clergy. His language concerning the eucharist was hardly distinguishable from that of a Romanist. Auricular confession and penance were among his favourite means of discipline.† Civil law and canon law were entitled to take precedence of English law. Clerical jurisdiction came from God, and not from man.‡ Maxims of this character the primate could venture to avow in open day, and from year to year. No marvel if many of his clergy spoke disparagingly of the Reformation, and scornfully of the master-spirits by whom it had been achieved. And as little marvellous was it that Puritans, both ministers and laymen, should discourse much of danger from such men. The government had shown itself powerful enough to put down the ancient constitution of the realm through a

Alleged leaning towards Rome.

bishop followed her with a royal warrant, while Sir Robert was bound to penitence for the future in a bond of 2000*l.* and two of his friends were pledged in a bond of 3000*l.* for his appearance when required. Strafford *Letters*, i. 243, 247.

* It pleased his grace to say, 'that the Papists were the most dangerous subjects of the kingdom, and that betwixt them and the Puritans, the good Protestants would be ground to powder.'—Strafford *Letters*, i. 426.

† Laud's preference of an unmarried clergy seems to have had something of a personal, and not a simply ecclesiastical origin. 'For myself I must needs confess to your lordship, that having been married to a very troublesome and unquiet wife before, I shall not be so ill-advised now, being above sixty, as to go marry another of a more wayward and troublesome generation.'—Ibid. 125.

‡ This hostility to the common law was one of the many points on which Laud and Wentworth were cordially agreed. The lord deputy boasted of making light work with the men who 'monopolize all to be governed by their year-books.'—*Letters*, i. 201.

series of years, and even powerful enough to prevent the expression of a wish for its restoration. If the guarantees of civil freedom had all given way, why should those of religious faith be deemed secure? In Rome these appearances were interpreted as full of promise. An envoy came to this country from the papal see, who was known to be in communication with some of the English prelates, with members of the council, with the queen, and even with the sovereign. The attempts made to keep these things secret only tended to strengthen suspicion, and to cause endless rumours. Charles, indeed, was not likely to go far enough to satisfy Rome; but he went sufficiently far to fill the minds of his subjects with serious misgiving.†

Religious emigration.

It was in those evil days that some fifty thousand people migrated from this country to Massachusetts Bay, Connecticut, and Newhaven. Neal possessed the names of eighty clergymen who left with different bands of settlers. Charles and Laud lamented that the ecclesiastical discipline of the mother country could not be made to follow the fugitives; and proclamations were issued forbidding further embarkations of that nature.*

Such was the government of England from 1629, when Charles dissolved his third parliament, to 1639, when the armed resistance in Scotland put an end to the dream of governing this country without the aid of such assemblies.

State of feeling in England before the time of the Long Parliament.

Thomas May, a member of the Long Parliament, and the historian of its earlier proceedings, was a thoughtful observer of the feeling prevalent at that juncture. The serious and just men of England, he relates, looked on the manifest tendency of affairs with grave apprehension. Either a nation which had long been

* Hallam, *Const. Hist.* ii. 80-86.

† Rushworth, ii. 298, 410, 718-721. Neal, ii. 182 et seq. 197-228, 232, 239, 285.

free was about to be permanently enslaved, or its liberties, all but lost, were about to be regained by a struggle which must diffuse a flood of evils through all its borders. Men there were, especially some of the more wealthy lords and gentlemen, whose means of enjoying their plentiful fortunes had not been much affected by the oppressive measures of the government, who were forward in professing themselves satisfied with the existing order of things. The kingdom they said was at peace, while other states were being desolated by war. Its wealth, its luxuries, its refinements had never been such as at present. If there were some irregularities in the government they were such as the ungrateful and the factious only could be concerned about. Monopolies might not be strictly legal, nor always expedient; but how light was the evil from that source compared with the burdens of that nature imposed on their subjects by the princes of Austria and Tuscany, and by the kings of Spain and France! In Spain and France parliaments were once powerful, but they have been long extinct, and still we see those kingdoms flourish, and the men of rank in them live in splendour. It is to the honour and advantage of a nation that its sovereign should be free and potent. Monarchs are respected abroad, and prevail in treaties, in the measure in which they are known to exercise large powers at home.

So spoke many of the gentry, and some of higher position through the kingdom. Courtiers, in the meanwhile, discoursed still more boldly. In their common talk parliamentary government was openly denounced. It was in the nature of parliaments, as they alleged, to encroach upon the rights of the crown. The conduct of the late parliaments towards the king had been, not only factious but cruel. Never, as they hoped, should England see a parliament again. When some men presumed to speak, according to the old language of Englishmen, about the liberty of the subject, even great statesmen and privy councillors

laughed aloud at such utterances. In keeping with this levity, even among such men, was the round of court pastimes. Judging from appearances, happy days had come to England. The influence of the queen over the king became daily more manifest; and a court so much in the hands of Henrietta could not fail to become a court favourable to the manners, the religion, and the rule which obtained in the country from which she came.

No class of men surrendered themselves more readily to this stream than the court clergy. In private and in public they praised his majesty's government as being in all respects admirable. Elizabeth, it was said, by impoverishing the bishopric of Ely, and by other circumstances, had betrayed her imperfect sense of duty towards the church. The measures of her father had often been so many acts of flagrant sacrilege. Even the Palatinate had not been free from this sin, and punishment had followed. In fact, among all the princes of Christendom it had been left to Charles to become the most sincere and enlightened friend of the church. The church of England, under his auspices, filled a place of her own, removed alike from the arrogance and false doctrine of Rome on the one hand, and from the disorderly policy of the churches calling themselves Protestant on the other.*

But the men who so expressed themselves, whether laymen or churchmen, were not the nation. They formed but a small part of it. The majority among the gentry, the freeholders, and the people generally, were not so insensible to the value of their ancient liberties; and it is not to their disgrace, but to their great honour, that the high material prosperity, realized by their hereditary industry, was not allowed to lull them into indifference concerning the great interest of civil and religious freedom. How such men had been wont to speak in secret we learn from what

* *History of the Long Parliament*, chap. ii.

they said when they dared to speak openly. 'He is 'a great stranger in Israel,' said lord Falkland, 'who 'knows not that this kingdom hath long laboured 'under many and great oppressions, both in religion 'and liberty; and his acquaintance here is not great, 'and his ingenuousness less, who doth not both know 'and acknowledge that a great, if not a principal cause 'of both these, have been some bishops and their adhe- 'rents. A little search will find them to have been the 'destruction of unity under the pretence of uniformity; 'to have brought in superstition and scandal under 'the name of reverence and decency; to have defiled 'our church by adorning our churches; to have slack- 'ened the strictness of that union which was formerly 'between us and those of our religion beyond sea—an 'action as impolitic as ungodly. While masses have 'been said in secret a conventicle has been a crime; 'and, what is more, the conforming to ceremonies has 'been more exacted than conformity to Christ.'*

One thing is especially to be observed in the apologetic language of the royalists during this period—they do not pretend that the law was on the side of the government. It is confessed generally by such men, and often by the king himself, that the course taken was 'extraordinary,' not the ordinary course prescribed by the constitution. The straining of isolated, obsolete, or irrelevant precedents, as in the case of ship-money, only served to demonstrate more clearly than before that the case of the government was not tenable on the ground of law. The arbitrary arrests, and the arbitrary imposts, were manifestly illegal; and the only means of defence left to the crown was, in the plea that the temper of the lower house, after several experiments, had proved so perverse and undutiful as to have created a necessity for some divergence from the old paths of the constitution into those irregular courses which had called

* Rushworth, iii. 1342, 1343.

forth so much complaint. If the prerogative had pressed somewhat unduly on the liberty of the subject, it was because the subject had pressed unduly on the action of the prerogative.

So far as this great crisis in our history was a question of law, it may now be said to have come to its close. The case in this view has been thoroughly argued and settled. Now, in the year 1639, Scotland has drawn the sword, that the controversy between sovereign and subject may be decided by other means. Charles looks to England to assist him in subduing this revolt. England, which owes him little, is heard to answer—we are prepared to assist your majesty, but it must be on condition that you consent to govern these nations, not as of late, but in a manner accordant with national law and the national will. The alternative placed before the sovereign was, to accept these terms, and so to become a constitutional monarch; or to reject them, and so to add a war in England to the war in Scotland. It is clear that Charles, though himself a Scotchman, had lost the heart of Scotland; and we have seen how much he had done to ensure a similar forfeiture in England.

CHAPTER III.

THE CRISIS AND THE SWORD.

Policy of Charles towards Scotland.

CHARLES, during some years after his accession, was too much occupied with his affairs in England, to bestow much attention on the state of parties in Scotland. But the episcopacy which the late king had introduced was to be perpetuated; and an early attempt was made to recover certain church lands in possession of the nobility and gentry, that so the income of the Scottish prelates might be made more adequate to the position assigned to them. By this proceeding, jealousy in the upper ranks was added to the religious discontent existing in the lower. In fact, the course taken by the king, with the assistance of Laud, towards Scotland, came to be in all respects the counterpart of that taken in England—betraying the same want of judgment, and the same arbitrariness in respect both to the civil and religious affairs of that country. An attempt was made to establish a court of Star Chamber in that kingdom; and the use that would be made of such a tribunal became manifest from the infamous course of proceeding against lord Balmerino. In England, the Stuarts had aimed to conform the episcopacy of the established church to a more mediæval standard. In Scotland, they aimed to substitute an episcopacy of the latter kind in the place of the established presbytery. The new bishops were not to be without their court of High Commission. The country was expected to accept a new book of canons, and with it a liturgy, both drawn up after the English model. All this, too, was to be settled by the king and his advisers, without the slightest communication with either kirk or parliament. For a

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while the people submitted to measures of this nature with a most loyal forbearance. But the ultimate effect was the insurrection of 1639, which may be said to have embraced the whole nation. At last Charles would have made concessions. But they were too limited, and came too late. The assembly in Glasgow, in which the whole kingdom was duly represented, proscribed every vestige of the episcopacy which James and Charles had been at so much pains to introduce. Charles now prepared for war. But his preparations were of small promise.

Difficulties of the king.

When these troubles began the English exchequer was exhausted. The thought of calling a parliament suggested new and even greater danger; while to impose any irregular burden on the nation, would probably be to see the flames of civil commotion in England, added to those in Scotland. Loans were obtained from some of the nobility. Contributions were made by the Catholics through the influence of the queen. The clergy, under the management of Laud, became liberal. But the whole amount thus obtained did not much exceed 100,000*l*. There was also much reason to fear that any force raised in England would consist of men much more disposed to hail the Scots as brethren than to fight against them as enemies. It was under this apprehension

Aid sought from the Spaniards.

that Charles opened a negotiation with Spain, in the hope of obtaining the aid of six thousand veterans from the army in Flanders. But this purpose came to nothing. The Spaniards in the Netherlands were too much occupied with difficulties of their own to render the solicited assistance; and Charles, having collected the trained bands from the counties, and summoned the peers to meet him with a suitable retinue at York, committed himself, with feelings of mortification and distrust, to the struggle before him.*

* Hardwicke *Papers*, ii. 128-130. Clarendon *Papers*, ii. 16-29, 50. Strafford *Papers*, ubi supra. Spalding, 74. Rushworth, ii. 818-838. Dalrymple's *Memorials*, ii. 40-42.

In the meanwhile the Scots, bound to their course by their 'League and Covenant,' were not inactive. Before the king could approach the Scottish border, the enemy had possessed themselves of every considerable fortress north of the Tweed. Twenty thousand men appeared in arms; and every fourth man in the kingdom was prepared to enter the field when summoned. Men who had become experienced soldiers in the late Swedish and German wars, trained this force, and placed themselves at its head; while the religious zeal with which every man was animated promised to render them invincible. Charles, on the contrary, had succeeded in isolating himself from the sympathy of his people, and at this juncture stood almost alone. Laud had made himself odious to many of the nobility, who could not be induced to look on these troubles in any other light than as the natural effect of his restless and arbitrary temper. The Puritans also, embracing as they did the great majority of the nation, secretly deprecated the subjection of the Scots, as an event which must tend to perpetuate the abeyance of their own civil constitution, and the intolerance of their own churchmen.

Zeal and strength of the Covenanters.

It was this hopeless position of his affairs which constrained the king to assent to the sort of treaty known by the name of the pacification of Berwick. In this treaty Charles consented that another general assembly should be called, to which the ecclesiastical affairs of Scotland should be submitted; and that a parliament should be summoned along with it, which should be free to confirm its acts.* The decisions of the new assembly were the same in substance with

Pacification of Berwick.

Another general assembly.

* Hardwicke *Papers*, ii. 130-141. Burnet, i. 140. Baillie's *Letters*, i. 179, 184, 185. Rushworth, ii. 938-946. Charles, on giving his instructions to the marquis of Hamilton, his commissioner, said, 'For which end, you will be necessitated to speak that language, which, if you were called to account for it by us, you might suffer for it.' But nothing of that nature should be to his prejudice.—Hardwicke *Papers*, ii. 141, 142. *Lives of the Hamiltons*, 140-143. Spalding, 74, 75.

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those of the assembly which had been convened at Glasgow. The signature of the king was attached to them by the royal commissioners, and the members separated amidst many demonstrations of joy among the people.* But the parliament was not allowed to complete its work. It had excluded the prelates from their place in the legislature, and was no doubt prepared to declare the order extinct. But at this point it was prorogued.

A parliament speedily prorogued.

Charles would take the field, but is obliged to call a parliament.

Charles, in conformity with the advice of Laud and Wentworth, had resolved to seek better terms by arms, and had flattered himself that the money necessary to this object might be obtained by new writs under the name of ship-money. But his council were unanimous in declaring that the experiment would be a failure—worse than a failure; and in urging him to convene a parliament, as the only means of obtaining assistance at all adequate to his wants. It was not until thus deserted by every member of his council, nor until he had asked the question—'If this parliament should 'prove as untoward as some have lately been, will you 'then assist me in such extraordinary ways as in that 'extremity shall be thought fit?' and an answer was given in the affirmative, that his majesty consented to act upon this advice. Even Laud and Wentworth were obliged to reconcile themselves to this course, and by affecting to recommend it hoped to do something towards abating the resentment of their enemies.†

Parliament, April 13, 1640.

It was on the fifth of December that Charles consented to assemble another English parliament. It was not before the middle of the following April that the two houses were convened. This delay, apparently

* *Acts of the Assembly*, printed in 1639. Rushworth, ii. 953-965. Baillie's *Letter*. Charles assented to the abolition of episcopacy, but not on the ground of its being 'a point of popery, or contrary to God's law.'—*Lives of the Hamiltons*, 150.

† Clarendon *Papers*, ii. 81, 82. *Hist.* i. 216, 217. Sidney *Papers*, ii. 614-623. Dalrymple, ii. 42. Rushworth, i. 886, 975, 978, 1097-1099.

so undesirable and so unnecessary, resulted in part from the wish of Strafford to obtain a liberal grant from the parliament in Ireland, which might serve as an example to England. But the chief motive came from his majesty's reliance upon an old device. In April, the time would have come to be in the field, and it would then be plausible to say the necessities of the government are immediate and imperative; the first business must be to vote supplies, discussions concerning reform in the government must be postponed. This, as we have seen, was the policy which had been commonly resorted to through this reign, and through the last; and it was now to be tried once more. But the parliament of 1640 included too many members who had served in former parliaments to allow of its being ensnared by so stale an artifice.

Debates in the commons.

The commons insisted on being heard concerning the wrongs of the nation before granting its money. They complained that the privilege of parliament had not been respected; that the rights of property had been invaded by unauthorized exactions on the part of the crown, and that novelties in regard to religion had been introduced without sufficient warrant, and had become the ground of much persecution. In the discussions on such topics there was firmness, but at the same time so much cautious propriety of speech, that scarcely a word verging upon rashness was uttered. One member denounced ship-money as an abomination; but even that very pardonable expression of feeling called forth a reproof from the house. Another member spoke of the rising in Scotland as the war of episcopacy, and said it should be left to the bishops. But Clarendon informs us that the levity of these expressions was so much discountenanced that there was no recurrence of such language. Still the maladministration which had marked the whole interval since the passing of the Petition of Right was freely reviewed; and it was contended that the instruments of the government in perpetrating so many acts of per-

sonal oppression and of unwarranted imposition should be sought out and punished.*

When some days had been occupied with speeches of this complexion, Charles became impatient, and, by the lord keeper, admonished the house that his wants did not admit of such delays. But the popular leaders were not diverted from their course by this message. The king next presented himself to the house of lords, and expressed his hope that their lordships would discountenance the conduct of the commons in insisting on reforms in the government before ministering to the necessities of the crown. The peers, 'after long and great debates,' sent a message of the kind suggested to the lower house. The commons were unanimous in pronouncing this obtrusion of the opinion of the lords concerning a question of supplies a breach of privilege; and their lordships admitted that it did not pertain to them to suggest anything in regard to the amount, or the manner of raising a supply, but that they judged themselves competent to intimate their opinion in regard to the expediency of a supply in general. The majority of the commons might perhaps have been induced to take a middle course, granting such a supply as might have met the present exigency in part; but now a third message came from the king, which stated that nothing less than an immediate vote of twelve subsidies, being about 850,000*l.*, would be accepted. Charles knew the commons were not likely to comply with this demand; but he flattered himself that their refusal might be made to furnish an excuse for attempting to replenish his exchequer by returning to some of his late expedients for that purpose. To ask for such a grant was to ensure a refusal, and to ensure a refusal would be to place himself in the position of a distressed and injured king. Had the house come to such a vote, in that act it

* *Parl. Hist.* ii. 532-554. Strafford *Papers*, ii. 370 et seq. Rushworth, ii. 1128-1136.

would have sealed the dissolution of the parliament. In such an event, the constituencies of the country would have denounced their representatives as traitors to the commonwealth—as men who had parted with the public money in utter recklessness of the public interests. The commons sat two hours beyond its usual time in debate on this message. On the following morning, when the house would have resumed the discussion, Charles declared the parliament dissolved. This was in less than three weeks from the time of its meeting.*

Parliament is dissolved, May 5, 1639.

The reasons assigned by the king in defence of this proceeding were, that the commons had interfered in an unwarrantable manner with the affairs of his government; had made attempts to degrade his administration of justice, and to injure the character of his ministers; and had conducted themselves towards him in an ungenerous spirit of bargain and sale.† But the root of this disagreement, on either side, was no mystery. The king coveted money—nothing but money. The commons desired reform — would have reform. Laws which had been violated must be vindicated; rights of which they had been deprived must be restored.

King *versus* the commons.

Now, the old folly of questioning obnoxious members concerning their conduct in parliament, sending them to prison, and searching their studies, was again resorted to; and all the exceptionable expedients for raising money which had been common of late years were revived. Scotland once reduced to terms, Charles persuaded himself that his government might weather this storm, and perpetuate its independence of the public will. This hope was indulged amidst riots in the capital which threatened the lives of his ministers; amidst strong suspicions of a secret understanding between the disaffected in England and the insurgents

* *Parl. Hist.* ii. 570-584.

† Rushworth, ii. 1136-1167. *Parl. Hist.* ii. 573-579.

in the north; and amidst expressions of discontent and alarm, which came from all classes.

Scotch covenanters and English royalists.

Scotland was to be invaded from three points at the same time. Strafford was to bring ten thousand men from Ireland, and to command them; the marquis of Hamilton was to join the royal standard with ten thousand Highlanders; his majesty was to appear at the head of twenty thousand Englishmen. But after three months' laborious preparation not more than half this force could be raised. In the meanwhile, the Scots had returned to their colours with an enthusiasm which influenced both sexes and all ranks, and had contributed those means willingly from their poverty, which England had refused to grant from her opulence.

Repulse of the royalists at Newburn.

The first passage at arms between the belligerents took place at Newburn. In that encounter the rout of his majesty's soldiers was ultimately such that their next place of rendezvous was with the king at York.

Council of peers at York.

Charles had assembled a council of peers in the northern capital. He now solicited the advice of their lordships in regard to the petition which the Scots, in their anxiety to preserve the appearance of moderation, had presented to him; and also in regard to the best means of protecting the kingdom against the further inroad of the invaders. It was agreed, that to prevent the advance of the enemy, it would be necessary to

Treaty of Ripon.

enter upon a treaty, and the treaty of Ripon was accordingly commenced. It was also the advice of the great majority of the assembled peers, and the prayer of a petition from London bearing ten thousand signatures, that a parliament should be forthwith convened. By this method only, it was argued, could tranquillity be restored; the evils which had so long made the conduct of the government so unacceptable to the people be removed; and the ample resources of the nation be brought to the service of the crown. To this course Charles gave his reluctant consent. The negotiations at Ripon were transferred to London; and in the meanwhile the subsistence of the Scottish

army was to be provided for from the treasury of England.*

Position of the king.

The space between the outbreak in Scotland and the meeting of this parliament—the memorable Long Parliament—must have been a time of much sadness and mortification to the king. In the documents relating to this interval, the scene is constantly shifting; but to him, every change must have presented only a new form of perplexity. Scotland is marshalled against him. The policy which has done that irreparable mischief has been an arbitrary and innovating policy. The innovations, moreover, have been such as might have value in the estimation of priests or women, but should have weighed as nothing in the eyes of a statesman in comparison with a nation's loyalty. England, at the same time, has been too long the victim of her sovereign's misguided will to become the instrument of his deliverance. Two nations strong enough to have placed him abreast with the foremost potentates of Europe, have been so ill-governed as to have left him powerless for good or evil, at home or abroad.

Power and intention of the popular party.

The ruling power in the state at this moment was that popular party which it had been the great object of the government during the last eleven years to suppress and extinguish. Even the lords had gone over considerably to that side; and the avowed purpose of this formidable confederacy now was, not only to recover the liberties which had been lost, but to place such safeguards about them as should tend to secure them more effectually for the time to come.

Meeting of parliament.

The tone of the royal address on the opening of parliament was moderate, and was listened to with general approbation. The term 'rebels,' as applied to the Scottish army, gave some offence. But Charles

* Dalrymple, ii. 81-106. Hardwicke *Papers*, ii. 139, 151-163, 184. Baillie's *Letters*, i. 211 et seq. Rushworth, ii. 1237; iii. 1190 et seq. May's *Hist.* 44-48.

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explained the word so as to render it less objectionable. They were rebels while in the field against him, but they were now subjects, and he had recognized them as such in his recent negotiations with them.*

Gardiner, the recorder of London, had been named by the court to be speaker. But the influence exerted in his favour had failed to secure his election as a member of the house. Lenthal, the member called to that office, was not obnoxious to the government. He was a lawyer of some experience, but wanting, as it proved, in the promptitude and energy demanded by such an office at such a crisis.

Speeches of the popular leaders.

The attention of the commons was first directed to the innovations affecting the established religion. On this subject the speeches of Pym, Seymour, Grimstone, Bagshaw, and Rudyard were conspicuous. Rudyard was described by the enemies of the popular party as one of the most upright and eloquent men of his time. But his statements, when setting forth the recent conduct of the government, were an echo of those complaints, which, as falling from the lips of other men, had been denounced by courtiers as seditious and irreligious. And the temper of Rudyard may be regarded as a fair sample of the mingled loyalty and patriotism which characterized the feeling and language of the speakers.

Speeches in parliament printed.

It was in this season of excitement that the speeches delivered by members began to find their way into print, sometimes from the members themselves, sometimes by other means. The effect of this novelty, both on the conduct of members and on the feeling of the country, was immediate and powerful. Petitions against the grievances thus exposed, and so long prevalent, came up from all classes, and from all parts of the country, and not a voice was raised in defence of the mal-practices so denounced.

By the authority of a committee appointed for the

* May's *Hist.* 47. Baillie, i. 218.

purpose, a considerable number of clergymen who had been silenced, imprisoned, or deprived of their livings, on the ground, or pretence, of nonconformity, were restored. In some instances, the functionaries who had subjected the sufferers to such penalties were obliged to make pecuniary restitution to them. Many incumbents also, declared by large numbers of their parishioners to be grossly incompetent, to be scandalous in their lives, or notoriously disaffected, were summoned by this committee to answer the charges preferred against them. The result, in many instances, was suspension or deprivation. It must be confessed that this was not proceeding according to law. But the assumption was, that the ecclesiastical authorities had shown themselves negligent of their duty—worse than negligent; and as the established church is a creation of the state, the state has a full right to resume its supreme functions in relation to it in any form that may be necessary for the correction of abuses. The authority acting in these instances might not be the ordinary authority; but the end proposed was that enjoined by usage and law. In these proceedings there were, no doubt, some cases of hardship; but on the whole, this committee rendered important service to the cause of religion and of civil liberty.

The commons and the 'silenced' and 'scandalous' ministers.

Among the more distinguished offenders whose conduct came under this cognizance were, Peirce, bishop of Bath and Wells; Wren, bishop of Norwich; and Cosins, dean of Peterborough. Pierce had made himself notorious by his crusade against the Puritan lecturers, against afternoon preaching, and, above all, against Calvinism. In ardour of this kind the bishop of Norwich had been no less eminent. The severities of this prelate had almost driven the woollen trade, carried on chiefly by the Puritans, from his diocese. Many of those industrious people had become voluntary exiles, and had found an asylum in Holland or in America. Cosins denied some of the charges preferred against him. But enough remained beyond

Peirce, Wren, and Cosins.

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doubt, to give him a conspicuous place among the ecclesiastics who had shown themselves zealots in the cause of the new ceremonies, and of the late extraordinary ways of the government. The commons charged these persons with high crimes and misdemeanours, and bound them in a heavy recognizance to appear when required.* No man uttered a word of protest against these proceedings. But we now approach a crisis which was to disturb this unanimity.

Strafford comes to London— His impeachment.

Parliament assembled on the third of November. On the ninth, Strafford, by order of the king, arrived in London. The day following, which the earl gave to rest, was employed by the patriots in preparing for the struggle which his unexpected presence obliged them to enter upon at an earlier stage of their proceedings than they would have chosen. They were not ignorant that the whole power of the crown would be employed to protect this formidable opponent. But they also knew that their measures against him would be sutained by the fixed resentment of three kingdoms. On the eleventh of November, as soon as the commons had assembled, the doors of the house were closed, and the keys were given to the speaker until the question to be introduced should be decided. When those doors were again opened, Pym came forth at the head

* May *Hist.* 55, 56. Rushworth, iv. 98, 123, 133, 139, 152, 158, 208, 211, 351. The reader may take the following as a sample of what was done in some hundreds of cases by Laud and his coadjutors. Addressing himself to a clergyman named Snelling, the primate said, 'Are you conformable?' Snelling answered, 'Yes, as far as it is established by law.' The primate rejoined, 'Are you conformable to the *new conformity*?' and turning to the company, his grace remarked, 'there is no believing this kind of man.' 'No,' added bishop Wren, 'you may know him by his band, that he has a wonderfully tender conscience.' Snelling was suspended *ab officio et beneficio*, the ground being his refusal to read the Book of Sports—the king's Dancing Book as it was sometimes called—from the pulpit on Sunday. A multitude of instances of this sort might be adduced.—See *Proceedings principally in the county of Kent in connexion with the Parliament called in* 1640, *and especially with the Committee appointed in that year.* Published by the Camden Society. We shall have occasion to return to this subject.

of a large body of the members, and proceeding to the bar of the upper house, there, in the name of the commons of England, he accused Thomas, earl of Strafford, lord lieutenant of Ireland, of high treason, and required that his person should be arrested until probation might be heard.*

The lords, says a contemporary, began to consult on this strange and unexpected motion. Tidings of what had passed were carried in haste to the earl, who was with the king, and coming with speed to the house, he called rudely at the door. It was opened by Maxwell, keeper of the black rod, and his lordship, with a dark and scornful countenance, advanced towards his place. But at once, many voices were heard repeating the words 'Withdraw, withdraw.' Confused and mortified, the bold man was obliged to retire until the house should require his presence. When called in, he presented himself standing, but was commanded to kneel, and in that posture to hear what had been determined concerning him. He was then delivered to the keeper of the black rod, to remain his prisoner, until he should be cleared from the crimes charged upon him by the commons. At this point he would have spoken, but he was interrupted by the command of the house, and was again obliged to retire in silence. In the entrance room, Maxwell required him, as a prisoner, to deliver up his sword, and then called with a loud voice to one of his attendants to take charge of it as belonging to the lord lieutenant. The earl next began making his way towards his carriage, through a great crowd of people, all gazing upon him, no man uncovering in his presence, though the greatest in England would not have passed him in the morning of the same day without that token of reverence. Some, in the confusion, asked what was the matter? To which the earl himself replied—'A small matter, I warrant you.' But his

* Baillie, i. 216. Rushworth, iv. 42, 43.

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haughty bearing was checked by a voice which said—'Yes, indeed, high treason is the small matter.' On reaching the spot where his carriage was expected to be in waiting it was not to be seen. This circumstance obliged him to expose himself a second time to the crowd in the avenues of the house. When his carriage was announced, he was informed that he must not enter it, but must go in a coach, with the keeper of the black rod, as his prisoner. So the earl departed, to see the king, and to see the legislature as a free man, no more. Such was the impression made by this demonstration of purpose and power on the part of the commons, that the earl's reign of terror seemed to close with the moment of his arrest.

Laud.

From that day Laud could not hope to escape. It was resolved that the houses of convocation possessed no authority to bind clergy or laity without consent of parliament. Many of the transactions, accordingly, in a recent meeting of those houses, were declared to be contrary to law, and to be injurious both to the crown and the people. One of the canons adopted laid down the doctrine of passive obedience in the most absolute terms. These proceedings, and many more of the same complexion, were traced to the influence of the primate. On these grounds, Hollis

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was deputed to accuse the archbishop of high treason at the bar of the upper house. Laud instantly rose, declared that the commons themselves did not believe the charge, and would have entered, with the irritability natural to him, on a defence of his conduct. But the most powerful ecclesiastic of the realm was called to order, as the most powerful layman had been some weeks before, and was committed to the custody of the black rod. So Strafford and Laud became prisoners in the Tower.

Proceedings against Windebanke and Finch.

The storm which came thus rudely on the two persons who were regarded as the chief authors of the late inroads upon the liberties of the nation, would naturally fall on many subordinate instruments of

misrule. Windebanke, secretary of state, was the intimate friend of Laud. Many of the most obnoxious measures of the government had been carried out chiefly by his means. The favour said to have been shown to Catholics was attributed specially to his influence. More than a hundred priests had been liberated by his orders within the last four years. The minister of course might plead that he had simply done the bidding of the king. But the time had come in which that unconstitutional pretext could be no longer urged with advantage; and the secretary consulted his safety by a speedy flight to the continent.* BOOK XII. CHAP. 3.

Finch, the lord keeper, had exposed himself to the resentment of the patriots by his zeal in the cause of ship-money, and against him the commons directed the next stroke of their retributive justice. He descended to the meanest flatteries and entreaties in the hope of softening the resentment of his prosecutors; but despairing of success by that means, he avoided the consequences of an impeachment by an escape to Holland. The due appearance of the other judges to answer such charges as should be brought against them was secured by binding each in the sum of ten thousand pounds.†

Among the earlier acts of this parliament was the vote which released Bastwick, Prynne, and Burton from their several prisons. Five thousand persons on horseback, consisting of men and women, all wearing bay and rosemary, in token of exultation and triumph, followed these popular favourites in long procession on their public entry into London. The lords commissioners who had passed sentence on them were now arraigned, and required to pay Burton 6000*l.*, and Prynne and Bastwick 5000*l.* each. The degradation and torture to which these persons had been subjected were excessive, malignant, cruel; and in these pro- Release of Bastwick, Prynne, and Burton.

* May, 56, 57. Rushworth, iv. 91.

† May, 57, 58. Rushworth, iv. 123-130, 136, 137, 189.

ceedings we see a natural reaction against authorities which could descend to such barbarities in the name of religion.

Salutary reforms.

Many legislative reforms, which had been long sought in vain, were now accomplished without impediment. The boundaries of the royal forests were determined; the evils of purveyance were lessened; many existing monopolies were condemned; compulsory knighthood came to an end; ship-money was declared illegal; the sentence against Hampden was reversed; and it was affirmed that no duty could be laid on merchandize, imported or exported, without consent of parliament. It was provided also, by a statute drawn up with much care, that a new parliament should be convened every three years. Should the proper authorities neglect to summon such an assembly at the appointed time, the people were empowered to meet unbidden, and to choose their representatives. Charles, as the reader has seen, had often declared that to convene parliaments or to dispense with them, rested wholly with his pleasure. The commons knew well, accordingly, that this law would be very unacceptable to his majesty. They knew also that others might be found wanting in the intelligence or in the patriotism necessary to estimate the measure at its proper value. But experience had shown that a periodical appeal to the nation was not to be secured by any less decisive enactment. Even this statute, like the Petition of Right, might be disregarded. But wrong so perpetrated would carry with it a more manifest impress of illegality. The king gave his assent to this bill with visible reluctance. The people, on learning that it had become law, kindled bonfires, and exhibited every sign of joy.*

Fall of the court of Star Chamber

We have seen that the courts of Star Chamber and of High Commission were a comparatively recent

* Rushworth, iii. 1341, 1342; iv. 146-148, 189, 192. *Parl. Hist.* ii. 702-716.

growth in the history of the English constitution. But it had become evident that there was scarcely anything in the civil or ecclesiastical affairs of the country that might not be brought within the cognizance of those tribunals. In the absence of parliament they were found to be irresistible. They knew nothing of trial by jury, and were seldom restrained by any just regard to law; but the time had come in which these engines of misrule were to be arrested and demolished. After a struggle, entered upon by the patriots with a determination to prevail, and resisted for a while, though with small hope of success, by the king, these courts fell—fell completely, and for ever!

and court of High Commission.

Contemporaneous with these proceedings were others which made it clear that the hierarchical element in the established church must have been losing favour during a long while past among the people. The party which called for nothing less than the abolition of episcopacy seemed to be presenting itself everywhere. The boldness of these assailants alarmed the prelates. One petition presented to the commons prayed that the order of bishops in the church might be no longer tolerated, and was signed by two thousand English clergymen. Such documents came from many counties, with many thousand names; some urging that prelacy should be utterly discarded, others, and perhaps the greater number, expressing a desire that the power of the order from whose ill-regulated zeal so much evil had come, might be restrained to more wholesome limits. In the parliament, Selden, Digby, Falkland, and Rudyard, pleaded strongly in defence of episcopacy as an institute; but in the lower house and in the capital, the Presbyterians, or the men whose reformed episcopacy would have approached very nearly to that standard, had increased so suddenly and rapidly that they had become predominant. In episcopacy itself there was nothing to account for this strong feeling. The servility and arbitrariness which had been so long identified with the office had

Hostility to episcopacy.

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provoked this resentment, and this consequent change in opinion.

Slow progress of measures concerning episcopacy.

Besides the petitions against episcopacy already mentioned, there was one from the capital with fifteen thousand signatures. The commons debated two days on this question. It was then referred to a committee by a majority of thirty-two. At this point the king declared, in the gravest terms, that in his judgment, episcopacy was an essential part of Christianity, and that his conscience would never allow him to concur in any project to abolish it. The Scotch commissioners' however were not to be diverted from their course by this avowal. The petition of the fifteen thousand in London was in course of signature within a fortnight after the meeting of parliament.* But, even six months later, the question seemed to have made but little progress in either house. A bill was then presented to the lords, framed to exclude all ecclesiastics from the privy council, and from the office of magistrates. In the discussion which followed the strength of the two parties was called forth; and the bill was lost on its third reading by a considerable majority.† Had the lords concurred in this moderate proposal, their opposition to others of a more decisive nature might have been made with greater effect. The commons were deeply offended by this proceeding, and rose in their demands. Their next bill on this subject required that the prelates should be removed from their seats in the upper house. Hyde, afterwards lord Clarendon, was chairman of the committee to whom this question had been entrusted, and made it his boast afterwards, that in that capacity, he had succeeded in perplexing and protracting the discussion, so as to prevent any real progress being made in it until the near approach of the civil war.‡

* Baillie's *Letters*, i. 215, 216; see also 225, 228, 235, 236, 239, 242, 245.

† *Parl. Hist.* ii. 725, 791-814.

‡ *Life of Clarendon*, i. 80-84. Rushworth, iii. 1342, 1343; iv. 28 et seq. *Parl. Hist.* ii. 794, 816-812.

The measures of parliament so far.

So far the accomplished measures of this parliament in relation to the state were moderate and wise. At such a juncture, it well became the two houses to do all the things they had done. We have seen, too, the ground on which their proceedings in relation to the church might be vindicated. Down to this time, no essential element of the constitution had suffered at the hands of these reformers. Their labour had been not so much to innovate as to replace and reconstruct. The courts of Star Chamber and of High Commission were themselves innovations. Their removal tended to bring the more ancient and wholesome provisions of the constitution into the action of which they had been in great part deprived by these comparative novelties. It is to the patriots assembled in the parliament of 1640, more than to any other body of men in English history, that our country is indebted for that growing spirit of freedom by which it has been distinguished, and for the high rank it has attained. On a superficial view, the Restoration may seem to have swept away all that the Long Parliament had done; but a more attentive comparison of the reigns of the second Charles and the second James, with those of the first Charles and of the first James, will lead to a different conclusion. Even Hume admits, that the conduct of the parliamentary leaders to this time was such, with one exception only, 'as to entitle them to praise from all lovers of liberty.'

But this series of impeachments—can they be vindicated? That ministers chargeable with high crimes and misdemeanours may be dealt with by the commons as being thus guilty had become a settled maxim of the constitution. Henry VIII. had surrendered Empson and Dudley, Wolsey and Cromwell, to punishment on this ground. The cases of Bacon, Middlesex, and some others were strictly of this nature. According to these precedents, there can be no doubt that Windebanke, Finch, Laud, and their coadjutors, ought to have accounted themselves as exposed to

heavy penalties. What they had done may have been with the sanction, or even at the command of the king; but the English constitution never supposes that the king can sanction attempts to suspend or to violate the law. It is true the charge against Strafford and Laud was the charge of high treason, and the constructive kind of treason alleged in their case presented a question on which there was room for some difference of judgment. We shall look at this question in its relation to Strafford.

Proceedings against Strafford.

The reader has seen, that among the immediate rewards of apostasy from the cause of the people conferred on this able man, was the honour of a peerage; and the office of president of the council of the North. That presidency, with its enlarged jurisdiction as placed in his hands, gave him a sort of delegated sovereignty, little if at all checked by the common law, and extending over no mean portion of the kingdom. All men looked with astonishment on these events, and not a few with feelings which seemed to foreshadow evil as awaiting the new courtier. No space had intervened between what this man had been by profession, and what he had now become, to leave room for the most abundant charity to suggest that the change might possibly have been sincere. He had ruled the north of England about four years, through the medium of his special court when called to the dignity of viceroy of Ireland. The system of intimidation on which he had acted, and with the appearance of success in this country, was then extended to the sister island. On his return to England, after an absence of three years, his account of what he had done in Dublin procured him great applause at Whitehall.

This visit led to his more active interference with the question of ship-money. As president of the council of the North,—the Star Chamber of that district,—he had enforced the payment of this tax with his usual promptitude, and assured the king, that from the course he had taken, there would be little difficulty in

obtaining it in future from the northern counties. So much was Charles elated with the partial success of this scheme, that he began to meditate a rupture with Spain. Strafford urged strongly that no such course should be taken. War, he said, will bring expense; expense will make it necessary to convene a parliament; and the necessity of convening a parliament must be the destruction of those plans which, if prudently carried out, would suffice to render his majesty the most considerable monarch in Christendom, and '*to vindicate royalty at home from the conditions and restraints of subjects*,' once and for ever. Let ship-money, said this sagacious politician, fall for a time as lightly as possible on the people, until the habit of rendering such payments shall have been considerably formed, and a precedent of some force be obtained in its favour. It may then become the groundwork of other measures, of which, until the season for adopting them should arrive, it will be better to meditate than to speak.*

While prosecuting his schemes in Ireland, Wentworth was summoned to aid the king in providing against the threatened invasion from Scotland. When it was determined that another parliament should be assembled, the lord deputy became so far sensible to his danger as to request that he might be permitted to return to Ireland. But Charles commanded his attendance, assuring him that 'not a hair of his head should be touched.'† It was at this juncture, moreover, that Charles conferred on him the title of earl of Strafford—a distinction which he had more than once descended to solicit.‡

* Strafford *Papers*, ii. 60-64.

† Whitelocke's *Memorials*, 37. Wentworth was too observant a man not to know how much he was hated in both kingdoms. While in Ireland, he had been more than once warned that a Felton or a Ravaillac would not be wanting in his case. More than once we find him lamenting that he could not devolve his cares on others and retire into private life.

‡ See some notices of the neglects to which Strafford was exposed by the conduct of the king and the court in his letters, i. 128, 138, 142-144; ii. 42, 83, 103, 111, 127, 133, 201, 265, 284.

BOOK XII. CHAP. 3. The trial.

The committee appointed by the commons to prepare articles of impeachment against this great offender, extended their investigations over three months. The articles contained in their charge were twenty-eight in number. Their grand charge, however, was, that the accused had *attempted to subvert the fundamental laws of the country*. But this point established, it remained still to be shown, that such treason against the state, must include treason against the sovereign—treason according to the statute.

The place appointed for this grand inquest was Westminster Hall. On either side that spacious interior stages were raised, eleven in succession, each divided by rails, and the whole ascending nearly to the roof. In the highest range were the commissioners of Scotland and the lords of Ireland, parties to this process with the commons of England who were seated below them. The peers, to whose solemn arbitration the questions at issue were to be submitted, occupied the centre, in their state dresses; and with them were the lord-keeper and the judges on the woolsack, in their robes of scarlet. At the upper end, and somewhat above the space where the peers were seated, was a state chair, upon an elevation, and under a canopy. It was reserved to the king. There was also a second chair, for the prince. But both were vacant. No judicial act could be legally entered upon so long as the king was supposed to be present. But two galleries, partly concealed by trellis-work, rose on each side the throne, one of which was allotted to the foreign nobility and some other persons of distinction. The king, the queen, and the court occupied the other. At the foot of the state canopy was another elevated space, into which many ladies of rank were admitted. At the lower end of the hall were temporary apartments to which the accused or his accusers alternately retired for half an hour to prepare their replies. Between that lower part of the hall, and the centre filled by the lords, was a small desk, at which the earl stood or sat,

four secretaries being in waiting upon him. The governor of the Tower stood at his side; the earl of Arundel acted as high steward of England; the earl of Lindsey as high constable. Before this assembly, 'the most glorious,' says an eye-witness, 'the isle could afford,' Strafford appeared, day after day, brought in by a guard from the train-bands. He wore a deep mourning suit, and his 'George,' the ornament which bespoke his rank. His dark countenance was paled with the sickness and infirmity which had affected him some while before his imprisonment. His person from this cause was somewhat bent. But the self-possession and firmness of his inner nature were visible to all.*

In that assembly there were no persons indifferent to the scene before them. The countenances, the gestures, and the loud talkings during the intervals between the speeches, evinced the deep feeling with which the shifting aspects of the conflict were regarded. Charles looked on the fate of Strafford as involving that of the plan of government to which he was as much as ever disposed. Even those courtiers who were not friends to the earl, were obliged to regard him as there, to stand or fall, not for himself alone. The court ladies, ranged about with note-books in their hands, made no secret of having given their passions to the side of the prisoner. While the delegates from Scotland and Ireland, a large portion of the peerage of

* Baillie, who was present, tells us that the king tore down the screen before him with his own hands. But though visible, none were cognizant of his presence: 'the lords sat uncovered.'—May, *Hist.* 61. The reader will remember the reported interview between Wentworth and Pym at Greenwich, when the former had decided to go over to the court, and would fain have taken the latter along with him. 'You need not use all this art,' said Pym, 'to tell me that you have a mind to leave us. But remember what I tell you. You are going to be undone. Remember, too, that though you leave us now, I will never leave you while your head is upon your shoulders.'—Wellwood's *Memoirs*, 53. In all that was now done in relation to the earl, Pym was the great mover. Even Pym could make some allowance for ordinary courtiers, but none for an offender with such gifts and such antecedents.

England, nearly the whole of the commons, and the thoughtful men represented by them, saw in that prisoner the evil principle of all government, and could hope to bequeath good laws and real liberty to their descendants, but as this grand delinquent should be adjudged guilty, and be duly punished.

In the series of articles urged against Strafford, there were only three which directly charged him with treason. These related to his having compelled persons to comply with his arbitrary exactions by quartering soldiers upon them; to his having imposed a tax by his own authority upon the inhabitants of Yorkshire, under the pretext of its being for the support of the trained bands; and to his having raised an army in Ireland which he advised the king to employ for the subjugation of England. The remaining articles concerned things said or done which were affirmed to be treasonable in their tendency. This practice of introducing offences different in degree in the same impeachment is as old as the process itself. But to construe offences against the state, as being really offences against the king, it was necessary to argue that the king is a relative person, and cannot be conceived to exist apart from a subject community—or a kingdom. Accordingly, whatever tends to destroy the bonds by which a community becomes what it is, must involve the destruction of the sovereignty—in other words, what affects the condition of the kingdom must affect the condition of the king. The letter of the statute of treason indeed, is directed against those who conspire the death of the king, who levy war against him, or who join the king's enemies. But it was argued that to imagine the death of the law, from which both king and kingdom derive existence, is to imagine the death of the king, the destruction of the king being inseparable from that of the kingdom. On this ground, it was maintained, that the statute of treason which had been in force from the time of Edward III., could never have been designed to afford

security to the person of the king, to the neglect of all security for those laws from which the king derives his office, and for the sake of which alone he has been invested with it.

At the close of the fifteen days which were occupied in working out this great argument, it was affirmed by the prosecutors that the main charges had been sufficiently proved. But in the judgment of others, the evidence was not all that the law seemed to require. The lords hesitated. In the hope of seeing the course of justice more clearly, they referred the case to the judges for their opinion. The answer returned, without a dissentient voice, was, that on all the articles which their lordships had voted as proved, the earl of Strafford deserved to undergo the pains and penalties of treason by law.* This decision contributed more probably than any other circumstance to what followed.

Opinion of the judges.

While the accusation was pending, Charles presented himself to the lords, and declared, in the presence of both houses, that his conscience would never allow him to condemn the earl as guilty of treason, but that with almost any course of proceeding short of that extremity he was willing to comply. The commons complained of this interference as a breach of privilege, and the greatest alarm was manifested, both by the popular leaders and by the people generally, lest some mitigated sentence should be passed, which might be followed, on the first cessation of parliament, by a return of the great conspirator to power. Such things had happened in our history—might happen again.

Interference of the king.

It was under the influence of this fear, that the commons changed their course, by substituting a bill of attainder in the place of the regular impeachment. By proceeding in this manner the parliament might judge of the case both in its legislative and in its judi-

The commons resolve to proceed by attainder.

* Lords' *Journals*, May 6. *Parl. Hist.* ii. 757.

cial capacity; and might be guided by moral evidence, where technical evidence was insufficient. The commons, however, were careful to affirm, that this charge had not been resorted to because the crime of treason had not been proved, but because this mode of proceeding, which was sanctioned by many precedents, was more simple and summary than the former. Before Charles addressed the parliament, it was known to the leaders of the commons, that his majesty had privately assured the prisoner, more than once, that his life should be spared; that he had approved of plans devised to secure the escape of the earl from the Tower; and that he had assented to the project of parties who proposed to excite a jealousy of the Scots among the English soldiers in Yorkshire, and to march the latter to London to intimidate the parliament, and to restore the ascendancy of the royalists. Such was the effect of the king's speech on the fears of the commons, and of the people of London, that a decisive course became imperative.* Within a week from that day, their lordships declared, though only by a majority of twenty-seven against nineteen, that the earl deserved to suffer the penalties and forfeitures of treason. Twenty-four of the peers who had been on the trial, did not vote at all. On the evening of the following day, after a painful struggle, Charles signed the fatal document. Three days later, more than a hundred thousand people were assembled in the neighbourhood of Tower Hill to witness the execution of Thomas, earl of Strafford. They looked on with a respectful silence. Since that scene had been placed certainly before him, the earl had shown a Christian resignation, and a magnanimity which became his gifted nature. To the last moment he sustained his wonted dignity. In the evening of that memorable

* Rushworth, iv. 238, 252-257. May 65, 66. Dalrymple's *Memorials*, ii. 114-119. Whitelocke, 43, 44. Nalson, ii. 272. Clarendon, *Hist.* i. 242. The tower happened to be in the hands of Balfour, a covenanter, whom no bribe could affect.

day bonfires were kindled, and the whole city became a scene of rejoicing.

The case of Strafford considered.

So ended a life full of power and full of purpose, but wanting in principle, wanting in heart, wanting in nearly all the elements of greatness save those of intellect and courage. Towards his friends Strafford could show himself friendly, and in his domestic relations he was a man of more susceptibility than the stern aspect of his public life would have led us to suspect. But these are virtues of a common order.* In years past his piety had not been such as to prevent his using profane language, even when writing to an archbishop; and his purity of mind had not precluded his committing language to paper which we could not transfer to our pages.† In the course of his trial he employed much forcible reasoning in support of his claim to be dealt with according to law, and appealed on that ground to some of the best affections of his auditory with a commanding eloquence. We have not dwelt upon these incidents, inasmuch as we have never been able to regard them in any other light than as presenting the highest aggravation of his guilt. No man in that meeting of the great minds of a great nation, could expose more clearly the evil of allowing the fortunes of subjects to depend on any power apart from that of just and fixed law; but while he thus spake he knew full well, that no other man in that

* In the Fairfax *Correspondence*, recently published, there is a letter which informs us, for the first time, of the circumstances under which Strafford lost his first wife. It appears, that coming into her ladyship's chamber from the garden, she saw a strange fly on his breast, and on her attempting quickly to wipe it off, the insect opened a pair of large wings, which so alarmed her that she fell backwards, and her fatal sickness followed. The writer visited the mourner on the day of the funeral, and adds, 'I staid about half an hour with him, and would have staid longer, but that the discourse of his loss bred only his further sorrow, and after I had seen his sweet children, I came away. In truth, he is much cast down, and the whole city has a face of mourning. Never any woman so magnified and lamented, even of those who never saw her face.'—vol. i. 237, 238.

† Strafford *Letters*, ii. 146, 179, 198.

assembly had done so much towards depriving a whole people of the security in that form which they had received from their forefathers, and towards subjecting both themselves and their descendants to the disastrous consequences which would surely flow from the absolute ascendancy of a single will. Every plea of this nature urged by him might be shown to be a plea which he had himself signally violated.

Those who take exception to the sentence pronounced on Strafford commonly do so on the ground that no action should ever be treated as criminal which some law has not clearly defined. All punishment, it is said, is inflicted as a warning; but warning there cannot be where it is inflicted by an act which determines the guilt of the offender. But the answer is, that however applicable such reasoning may be to proceedings in the ordinary courts of law, it is not to be applied with the same strictness to the judicial conduct of the whole legislature, inasmuch as the decisions of that authority *can never become a precedent elsewhere*. Nor is it true that such punishments are punishments which cannot operate as warnings. Every new act of attainder in our history had been a new warning to future statesmen to take heed to their ways, lest a power should be evoked which may show itself strong to punish men who do gross wrong to their country, even though it should be done with so much forecast as not to expose them technically to the true desert of their deeds. No subordinate court should be deemed competent to act on this principle; but such power may be conceived as belonging naturally and necessarily to the primitive function of a state, and an act of attainder is the state resuming that function. When the commons proceed by way of impeachment, they are as much bound by law as the court of Common Pleas; and any stretching of the statutes of the realm beyond their due compass, even by such an authority, to meet a particular case would be a serious evil, that would be sure to operate as a precedent in other

courts. But in proceeding by attainder, as by our modern bills of pains and penalties, such danger is avoided. In so proceeding, parliament is competent to regulate its decisions by the clearly moral, and not simply by the strictly legal, aspect of the case.

In judging the conduct of the men who sent Strafford to the block, and who would be content with no mitigated penalty, we should endeavour to place ourselves amidst the rumours, the agitations, and the real dangers of that crisis. They could not confide in the king; they had seen ministers retained in defiance of protests from successive parliaments; they had seen such men powerful enough to enable the king to dispense with parliaments through many long years; and they had seen the royal authority become so strong at such times, that property, liberty, even life, was not beyond the reach of its resentment. So the conviction had come, that the idea of safety must be a dream, until some terrible example should be given of the retribution which the instruments of arbitrary power might always see in the distance as the probable result of their misdeeds. In raising Strafford to this bad eminence, they knew that there were persons who would account him a martyr; but all considerations of that nature were outweighed by the recollections which placed this man before them as the betrayer of the liberties of his country, as vested with the pomp of rank and office in return for that treachery, and as employing the power of his high place to subdue a free people by coercion and terror, to subject not only the living, but the unborn, to boundless wrong, and all to gratify his own imperious and selfish passions. It was when the conduct of Strafford was thus viewed that the hearts of these men, still hardly sure of their escape from the fangs which had been so late upon them, seemed to call, as with the force of natural instinct, for the infliction of the heaviest penalty ever resorted to in defence of social order, as being alone proportioned to such high acts of treason against

it. Men who are bold enough to place themselves in the path of these revulsions from injured humanity, have their standing in slippery places. Their fall, even when their blood flows upon the scaffold, is a solemn issue which the voice of all nations, and of religion itself, has been ready to proclaim as just and holy.*

Signs of reaction.

But now the stage in the history of this memorable parliament has come, in which its affairs pass under a new phase. The great power of the commons, so manifest in the late changes, awakened feelings of jealousy and alarm in a large party in the upper house. By that party, and by a considerable body among the commons themselves, it was resolved to oppose any further concessions from the throne. The pressure laid on the king in the case of Strafford, and the conduct of the citizens in gathering in menacing crowds about the two houses, and in covering the walls of Westminster with placards, in which all who had voted in favour of the earl were denounced by name as 'Straffordians,' sufficed to fill the minds of many with apprehension lest a tyranny of majorities and of mobs should come into the place of that which all parties had been so well agreed in bringing to a close. Charles not only watched this new feeling with much interest, but made private overtures to some leading

* We would not of course be held responsible for everything said or done by the prosecutors of Strafford, though the censures passed on their proceedings are founded for the most part in ignorance of what had been the practice of the English government in state prosecutions down to this time. Thus, it is alleged, that in cases of treason, the evidence of at least two witnesses were required. But the reader has seen that the law to that effect, under Edward VI., had never been allowed in favour of persons so accused. Complaint is made that Strafford's counsel was not allowed to speak except to points of law. But it should be remembered that until the trial of Middlesex, in 1624, counsel had never been allowed at all in such cases. The eighth volume of Rushworth is wholly occupied with the trial of Strafford, and should be read with that given in the *State Trials*. The part of the sentence which would have deprived the earl's family of his estates was remitted.

men who shared in it, particularly to Colepeper, Falkland, Hyde, Essex, and Digby. BOOK XII. CHAP. 3.

While this schism was spreading among the parliamentary leaders, the religious feeling of the populace began to manifest itself in a disorderly manner. May informs us, that in many places the people took the work of reformation into their own hands, rudely disturbing the church service during the reading of the common prayer, destroying books and surplices. Added to which were the daily reports of religious meetings where the preachers were said to be tradesmen and illiterate persons of the lowest rank. The same historian remarks, that the conduct of the popular party in charging the king with an inclination towards Romanism, which they could not prove, made their assertions on other matters to be questioned in many quarters.* Ecclesiastical innovation.

While these signs of a turn in the tide of feeling in England were becoming daily more perceptible, the king visited Scotland, and became assiduous in his endeavours to bring about a similar change in that country. The obscure conspiracy, known by the name of the 'Incident,' sufficed to show that the men who might be won by court favour were to be so gained; and that the less pliable were, if possible, to be crushed. About the same time came the massacre of the Protestants in Ireland, in which the numbers said to have perished under the most frightful barbarities, were variously estimated from forty thousand to two hundred thousand. The perpetrators of those deeds proclaimed themselves the special enemies of the Puritans; and affirmed that what they had done they had done as the servants of the king, and under royal authority. Charles, we may be sure, had not warranted such atrocities. But though his majesty had not been slow to describe the invading Scots as rebels, he was not to be prevailed upon to denounce the insurgent savages of The king's visit to Scotland.

* May, *Hist.* 75-78. Clarendon's *Life*, 82 et seq. Whitelocke, 46. Baillie, i. 246, 247.

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Ireland under that name; and his courtiers became vehement in their efforts to throw discredit on the current reports as to the enormities of the outrage. In the train of all these circumstances came the extraordinary procession of citizens and civic dignities which graced the entrance of the king into London on his return from Edinburgh; the grand banquet given to his majesty in the Guildhall; and the loyal acclamations of the people as the sovereign passed from the city to his palace at Westminster. The intention of the city people in these proceedings, was to show that the king only needed to conform himself to the constitution, and to the will of the nation, to become strong in the affection of his subjects. Charles, unhappily, read the evidence differently. From what he had seen, he began to flatter himself that the loss of that affection was not likely to be incurred even though he should return to the policy which had been so strongly reprobated by parliament.

The parliament not to be dissolved without its own consent.

The leaders of the popular party must have been singularly wanting in sagacity if they had failed to see that the return of power to the king would be the certainty of ruin to themselves. According to the reasoning which prevailed at court, and which was no secret elsewhere, whatever had been ceded by his majesty when under pressure, might be resumed by him on the first convenient occasion.* It was to protect themselves against the possible vengeance of the king, in the event of a sudden dissolution of the parliament, that the commons had passed their bill declaring their dissolution impossible, except by their own consent. This bold measure—a measure without precedent—was not to be justified except on the law of self-preservation.

The Grand Remonstrance.

It was to strengthen the security derived from this novel expedient, and to check these tendencies towards reaction, that the commons prepared the instrument

* Clarendon, ii. 251, 253.

known in our history by the name of the Grand Remonstrance. The purport of this document was to set forth the many evils which had resulted from bad government since his majesty's accession, together with such remedies as had been, or remained still to be, applied. Charles could not fail to see from this paper, that a resolution had been formed by the popular party to leave no power in his hands that might be incompatible with a feeling of safety among the leaders of that party. Its discussion called forth one of the most ardent and protracted debates in the history of parliament; and the difference of judgment which existed in that assembly in regard to the expediency of the measure still exists. What one party described as necessary to demonstrate the folly and injustice of the policy which his majesty had pursued, and so to bring him back permanently to better courses, was described by others as only tending to irritate his already wounded feeling, and to lower his reputation both at home and abroad. The remonstrance was at length carried, but it was by a majority of nine only. Thus sanctioned, it was presented to the king, was printed by order of the house, and widely circulated. Hyde, afterwards lord Clarendon, published an answer to it; but from this writer we learn, that such was the importance attached to this protest by the popular members, that Cromwell assured Falkland he would have sold everything, and have left the kingdom, if it had not passed, and that he knew many others to be of the same mind.*

* Rushworth, iv. 438-451. Clarendon's *Hist.* ii. 40 et seq. *Life*, i. 85 et seq. Before this time, Falkland had accepted the office of secretary of state. Colepeper had become chancellor of the exchequer. Hyde and Digby were viewed as lost to the popular cause. Balfour was removed from the office of lieutenant of the Tower to make way for Lunsford, a man regarded by the parliament as one of its greatest enemies, and as placed in that trust that he might use the fortress as 'a bridle upon the city.'—Clarendon's *Hist.* ii. 88-99, 122, 123. Clarendon, in giving up the character of Lunsford, casts the blame of his appointment on Digby. But Digby said he had never exchanged twenty words with him.—Nalson, ii. 865.

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Proceedings against the bishops.

It was soon after his majesty's return from Scotland that the bishops sent a letter to the upper house, stating that in consequence of the violence with which they were threatened by the populace, it would be at the hazard of their lives to attempt to occupy their place in parliament; and concluded with a protest against the transaction of any business in their absence. So little, even now, did the prelates understand their position. As the consequence of this piece of folly, the king was obliged to give his assent to a bill which declared that the bishops of the English church should no longer be considered as having any place in parliament. The king is said to have assented to this measure, in the hope of escaping something still more unacceptable—the claim of the commons to have the command of the militia. Charles was now about to use the sword, in place of allowing it to pass from his hands.*

Impeachment of the five members.

The commons impeached the bishops. Four days later the king determined to show that he could be as bold as his opponents in support of his plans. The attorney-general was instructed to present himself at the bar of the upper house, and to prefer the charge of high treason against lord Kimbolton, Pym, Hampden, Hollis, Haselrig, and Stroud, all well-known opponents of the old court policy. The only article in their impeachment to which any legal importance could be attached was the charge of secret correspondence with the Scots on their entrance into England. But if that could have been proved, all such acts had been covered by his majesty's act of oblivion in relation to the events of that crisis. In every view this movement was a mistake. The case of the obnoxious commoners, such as it was, did not belong to the house of peers, but to the courts of law. Their lordships hesitated, accordingly, about the matter, and would search for precedents. But Charles was in

* Clarendon's *Hist.* ii. 113-121. *Life*, i. 98-100.

no temper to brook delay: he instantly despatched the serjeant-at-arms to the lower house to take the accused persons into custody. The commons resisted; said the case was one requiring deliberation; but promised that the gentlemen named should make due appearance.

The king attempts to seize them.

Such was the impression of the king concerning the reaction which he was willing to believe had taken place in his favour, that on the following morning he proceeded to the house, followed by some three hundred armed men, some say by five hundred. The men consisted partly of his majesty's usual attendants, but mostly of officers who had served in the army recently disbanded. They remained at the door, which was left open. The king, attended by his nephew, the elector, entered the house, and ascending the steps by the speaker's chair, he glanced round on the assembly in search of the persons impeached. Not seeing them, he inquired of the speaker if they were present. That officer, on his knees, delivered himself in very constitutional language: 'Sire—I have neither eyes 'to see, nor tongue to speak in this place, but as the 'house is pleased to direct me, whose servant I am.' Charles expressed his regret that 'the birds had flown,' but added that he intended proceeding according to law, and that in cases of treason that place could afford no security. Such a scene had never been witnessed in an English parliament. His majesty's speech was heard in deep silence; but the silence was broken by a general and ominous murmur of 'Privilege! privilege!' as the sovereign passed towards the door. In the meanwhile the officers in the lobby and at the door, had indulged in unseemly and menacing words—'Pox on the house of commons!' said one; 'Let them come and be hanged!' said another. 'What an ado is here with a house of commons!' and 'When comes the word?' were the sort of expressions which passed along in the crowd. Being questioned on a later day as to what they would have done if the word

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had come, the answer was, 'We should certainly have fallen upon them.' Only three days before the king brought these armed men to the doors of the house, a guard had been solicited to protect it against the insolence and menacing of its enemies, and solicited in vain.*

Popular excitement —Cavaliers and Roundheads.

Parliament now adjourned for a week. For some while past mobs had often assembled about the entrances to the houses, shouting forth their discordant politics. Armed men had paraded the streets, some professing to be protectors of their court friends, others of the parliament. Blows often passed between these parties, and blood was sometimes shed. A large body of the students of the inns of court tendered their services as a guard to the royal family, and their offer was graciously accepted by the king and queen. It was in the street frays of this juncture that the names of Cavalier and Roundhead came into use—the wearing of long hair being distinctive of the cavaliers, as consisting mostly of men of some fashion. But after the attempt to seize the five members, this apparent balance of parties ceased. On the day when the parliament reassembled, the impeached members were seen passing towards Westminster in boats, attended by two thousand seamen bearing arms, and by select companies from the trained bands, who brought several pieces of cannon along either side the river. Hampden, on landing with his colleagues, was greeted with the cheers of four thousand horsemen from Buckinghamshire, who chose that mode of testifying their confidence in the political integrity of their representative. Charles had been in the city some days before, in the hope of doing something towards calming the resentment of the people. But his ears were assailed with cries of 'Privilege of parliament!' and a paper was thrown into his carriage which amounted to an intimation that the people were likely soon to be in arms. The

* Rushworth, iv. 473-479, 484-486. May, 90, 91.

humiliation of royalty, indeed, seemed to be complete. His majesty avoided the spectacle, and the rejoicings, of the day when parliament reassembled, by shutting himself up in Hampton Court.

The king now spoke of extending pardon to the impeached members. The commons answered that pardon supposed guilt; and they claimed to know the names of the persons by whose advice his majesty had taken such a course towards the accused persons, and towards the house. Digby is said to have been the evil counsellor in this case. But no name was ever given.*

The commons claim to have command of the militia.

The claim which the commons pressed with the deepest interest at this moment was—that the command of the army and navy, and the possession of the forts of the kingdom, should be entrusted to persons nominated by the parliament. The use which the king might some day make of that power, if allowed to remain in his hands, had just appeared. Many who regarded this proposed encroachment on the prerogative when first named, as an extreme measure which sober men should not be expected to entertain, now

* Rushworth, iv. 483, 484. Nalson, ii. 830-832. Mr. Hume, to show how willing the parliament was to find in the most ill-founded rumours an excuse for its tyrannical proceedings, has said, that 'lord Digby having entered Kingston in a coach-and-six, attended by his livery-servants, the intelligence was conveyed to London, and it was immediately voted that he had appeared in a hostile manner, to the terror and affright of his majesty's subjects, and had levied war against the king and kingdom.' The party at Kingston consisted of some two hundred officers who had been lately disbanded; at that place was the magazine for the county of Middlesex; ammunition and arms were arrested on their way to the party assembled there; and the visit of Digby was with a message from the king, accepting the proffered services of those military personages. Even these facts may not fully warrant the language used by the commons. But surely the mention of them is strictly necessary to 'the whole truth.' To follow Mr. Hume, however, with corrections of this nature, would be to comment on no small portion of his history.—Clarendon, *Hist.* ii. 171. Nalson, ii. 865. *Parl. Hist.* ii. 1036 et seq. Husband's *Collections*, 202 et seq. *Journals of the Commons*, 373-379. According to Clarendon, the most odious man in the kingdom at this moment to the popular leaders, was Lord Digby.

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concurred with it as necessary if the liberties defined by law were to be real liberties. Pressed on this unwelcome question, Charles at length listened to the courtiers who argued that the concession might be made, but made with the reserved understanding, that as the demand was in itself unjust, the promise in relation to it might be disregarded on a future day. In the faith that such future day would come, it was said, let the proposed commission be nominated by the parliament, but let the final appointment of the persons be from the king, and let the term of office be restricted to two years. The commons, as may be supposed, looked on these conditions with distrust, and rejected them. To concede thus much, it was seen, would be to enable the king to mould the commission according to his pleasure. In the end, an ordinance was passed by the two houses, in virtue of which fifty-five persons were chosen from their own body, under the name of lieutenants, and placed in so many districts, to have possession of the forts, and to make the requisite provisions against invasion or rebellion.*

Relation of parties.

The two great parties now closely watched the proceedings of each other. The spies of the king apprized him of what was doing in the different committees of the commons; and the patriots contrived to make themselves acquainted with the most secret measures of the sovereign. During some months from this time, papers were issued by his majesty on the one side, and by the parliament on the other, which occasioned a ceaseless agitation through the country. Both parties were fully aware that the sword was about to become the arbiter on the questions at issue. Both were covertly employed in preparing for that course of action. Charles, too, from this time, began to avail himself of more judicious counsels. He placed particular confidence in Hyde, Falkland, and Colepeper. The 'Declarations,' in which the royalist cause was argued

* Rushworth, iv. 517-528. Clarendon, ii. 252 et seq.

before the people, were mostly from the pen of Hyde, and were very able productions.* With his mind full of plans relating to the expected hostilities, Charles began another journey from London to York.

Attempt of the king to seize Hull.

Soon after his arrival in that city, the king made his memorable attempt to seize the town of Hull, with its rich magazine. Sir John Hotham, the governor, had received his appointment from the parliament, and refused to surrender it to the royal summons. Charles reasoned and threatened, but in vain. Before submitting to the mortification of a retreat, the king proclaimed the governor a traitor by sound of trumpet.

The effect of that measure.

This attempt served to remove the thin veil which had lain over his majesty's intentions. Its immediate effect was to hasten the approaching crisis, and to enable the parliament, with some appearance of justice, to cast the blame of being the first to unsheath the sword upon the king. The military stores of Hull were removed to London and lodged in the Tower. The train-bands of the metropolis were placed under the command of general Skippon. The earl of Warwick was created lord-admiral. The earl of Essex lord-general, with the command of 16,000 men. The king, in the meantime, obtained assistance from a large portion of the nobility and gentry, from the two universities, and from many of the clergy. The queen, on the pretence of accompanying her daughter, married to the prince of Orange, but still a child, had gone to Holland, and had taken the crown plate and jewels with her. By pledging these valuables her majesty succeeded in collecting considerable supplies of arms and ammunition in that country.

The breach widens.

By this time, the discussion between the king and the parliament had extended itself to every town, and almost to every village in the kingdom. Humane men, on both sides, were much concerned to prevent the effusion of blood. Earnest efforts were made to

* Rushworth, iv. 528-563.

bring about a peaceable settlement. But the demands of the parliament had long been governed by resentment and distrust. Every day brought occurrences tending to strengthen, rather than to allay, those dangerous passions. The king also, amidst the loyalty and submission of his subjects in the north, had become more confident of power than while exposed to the turbulence and revolt of the capital. It was, moreover, his mistaken impression, that he had surrendered so much as to have really nothing more to lose. His only hope, as he imagined, lay in his chance of victory by arms. Hence the conditions insisted on by both parties were such as neither would entertain the thought of accepting. The praise of moderation seemed to be on the side of the royalists. But there was scarcely a comparison to be made between the security to be expected from the law as sanctioned by parliament, and that to be expected from the word of the king.

The nineteen articles.

In the nineteen articles now submitted to the sovereign by the two houses, it was required that the great officers of state should be chosen by parliament, and be removable by its authority; that the children of the royal family should be educated, and contracted in marriage, under that sanction; that the liturgy of the church should be revised; that the Catholic peers should be deprived of their votes in parliament; that no new peers should be created without the consent of the legislature; and that an act should be passed placing the militia in the hands of the parliament, in the room of the ordinance recently issued on that subject.* Judging from the past, the demands concerning the liturgy and the king's children were not unreasonable. Interference with the creation of peers, and the appointment of officers of state, was less easy to be borne. 'But keep the militia,' said Henrietta; 'that will bring back everything.' So thought the king; and accord-

* May, *Hist.* 124-127.

ingly, when pressed to relinquish the command of the forces, his majesty exclaimed, 'By God, not for an hour!'* The popular leaders saw the case as the queen saw it, and knew well that the militia might soon be employed so as to undo all that had been done. Hence they were resolved, at all hazards, to have that instrument in their own hands.

Petitions and addresses.

After the return of the king from Scotland, both parties encouraged manifestations of public feeling in a manner to which they could have been reconciled only by the plea of circumstances. The petitions in which the people set forth their desires were generally in support of the measures adopted by the parliament; and by the enemies of the popular cause in that age, and in later times, no effort has been spared to exhibit those addresses in a light as injurious as possible. Thus a petition from certain 'poor artificers' of the metropolis has been converted into a petition from the 'beggars.' With regard to a petition said to have been sent by the porters, admonishing the commons that if they did not proceed with their work more speedily the petitioners would take matters into their own hands, it must suffice to say that no one knows anything of this document, except as described by Clarendon.† Unseemly, however, as it no doubt was, for women and apprentices to become petitioners on such questions, we have ample evidence that had their addresses been presented to the king or queen

* Rushworth, iv. 533.

† Mr. Brodie could not find any trace of this petition in the journals, and expressed some suspicion that it might have been fabricated by Clarendon. Mr. Hallam finds a notice of the petition in the journals, but no part of the petition itself, and censures Mr. Brodie for indulging in such a conjecture as to its origin. There is evidence enough, however, that Clarendon was really capable of such a piece of strategy. In his life, he has said, that the king having discovered how admirably he could imitate the style of other men, 'would often call upon him for a *speech* or a *letter* which he prepared on several occasions, and *the king always commanded them to be printed.* And he was often wont to say, many years after, that he would be very glad if he could make a collection of all those papers which he had written occasionally at that time.'—*Hist.* i. 136, 137.

they would have found a cordial welcome, and have been mentioned with much commendation by royalist historians.

The king says he does not meditate war—Declaration of the peers at York.

During the first five months of 1642, Charles issued many papers and replies to petitions presented to him, in most of which he declared the rumour of his meditating war against the parliament as unfounded—nothing was further from his thoughts. The commons now passed a resolution asserting that rumour to be true, and pronounced those who should pledge the crown jewels, or lend money upon them, to be enemies to the state. Charles called upon the council at York to bear witness to the sincerity of his conduct; and their lordships, thirty-five in number, signed a declaration, in which they 'profess before God, and testify to all the world,' that his majesty has no design of going to war. This declaration was framed by Clarendon, in the face of the attempt to seize Hull; of the arrival of large military stores, sent by the queen from Holland; of great meetings of clergymen, freeholders, and farmers, convened by royal proclamation; and of the exertions made to collect a force at York, under the name of a guard, which was evidently designed as the nucleus of an army. Charles was desirous, no doubt, that the responsibility of striking the first blow should rest, if possible, with his opponents. Their lordships must have known that the language of the king would be true only in this very doubtful sense.*

Nine peers impeached.

The day on which their lordships made this declaration, nine of their number, who had been the earliest to join the king at York, were impeached by the commons on the ground of absenting themselves from

* Clarendon, who commends this document, has said enough to show that it was not in accordance with fact.—*Hist.* ii. 425-438. During a conference between a deputation from the parliament, and certain royalists at York, in his majesty's presence, the deputies had to submit to hissing, reviling, and menaces, in which every man must have seen the immediate precursors of war.—Rushworth, iv. 1618-1620.

their duties in parliament. The intention of this measure was to indicate the course which the parliament had resolved to pursue towards their opponents.

Great seal removed to York.

Littleton, the lord keeper, had bound himself by oath to surrender the great seal to the king whenever his majesty should require him to do so. Charles now called on his minister, by a secret messenger, to fulfil his promise. The seal was sent accordingly, and by this act all the functions of the executive passed to the quarters of the sovereign. The commons resolved, after a few weeks, to create another great seal. But it was not before October, three months later, that the prejudices of the lords against such a step could be overcome. The court pointed to this measure as one of the most daring acts of treason—as though men who by that time had raised a powerful army, and were confronting the monarch in the field, could scruple long about innovating upon such a formality.*

Goring resists the authority of parliament at Portsmouth.

Parliament called on the western counties to raise their levies in its defence. Goring, the governor of Portsmouth, refused to act on those instructions, and prevailed on the garrison and the people of that town to declare for the king. Essex laid siege to the place. The king issued a proclamation, declaring Essex and the men under his command to be traitors, unless they should submit to his authority within six days. The parliament declared this proclamation to be a libel, and denounced all by whom it had been advised, or by whom it should be approved, as guilty of treason. A few days later the king raised his standard at Nottingham, an act which imported a declaration of war.† Even now, the more thoughtful men near the person of the sovereign, urged that a last effort should be made to prevent the effusion of blood. Charles sent three commissioners to London with his

The king raises his standard at Nottingham.

* May, *Hist.* 117-123.

† Clarendon, iii. 172 et seq. Rushworth, iv. 763 et seq.

final overtures. But the parliament would not promise indemnity to certain royalists whom they had publicly censured, and the sword became the only arbitrator.

Who is to blame?

And now, on whom does the blame of this issue rest? On the parliament, say the royalists, which has insisted on concessions from the crown for which there was neither reason nor precedent. On the king, say the parliamentarians, who, by his repeated avowal of the most arbitrary maxims, by his constant manifestation of the most arbitrary temper, and by his strange want of good faith in his dealings with his subjects from the beginning to this day, has placed the country in new dangers, and made these new means of safety indispensable. The reader has the materials before him from which to form his judgment on this question. For ourselves, we feel no difficulty in affirming that the parliamentarians could not wisely have taken a course materially different. From the nature of the English constitution it may not seem to have been expedient that the power of the crown should have been subjected to such limits as the two houses had determined to impose upon it. But with such a monarch, and in such circumstances, it would have been suicidal in the popular leaders to have exacted much less as the basis of security for themselves and their adherents.

State of the country.

The ordinance of parliament for raising the militia, and the king's commission of array published for the same purpose, were opposed to each other by their respective partizans through a large part of the kingdom. In some districts the ascendancy was decidedly with the one party, in some with the other. The counties of Middlesex, Kent, Sussex, Essex, Lincoln, Lancashire, and Cheshire were all more or less decidedly in the interest of the parliament. The eastern counties, including Suffolk, Norfolk, Cambridge, Hertford, and Huntingdon, formed themselves into an association, with the sanction of parliament,

for their common defence. By prompt measures, these associated counties, not only preserved themselves for the most part from becoming the seat of war, but did much to counteract the plans of the nobility and gentry in those quarters who were in the opposite interest. In the four northern counties, and in Shropshire, Worcestershire, Derbyshire, and Oxfordshire the authority of the king was acknowledged almost without opposition. The whole of the west, too, ascending from Cornwall to Hampshire, Berkshire, and Hereford, was kept, with little exception, by the great families and gentry, from any open measures against the king, its places of strength being generally retained in his service. But the people in those parts were so much in favour of the parliament that the royal cause obtained little assistance from that extended portion of the island. In the remaining counties the two parties appear to have been nearly equal, or to have prevailed alternately.*

We shall not attempt to give the history of this struggle. We must content ourselves with glancing at the great stages in its progress; at the general state of the country during its continuance; and at the causes which influenced its character and brought it to its result.

Main points in the history of the war.

The first battle, the battle of Edgehill, gave victory to neither party, but was favourable, upon the whole, to the royalists. From that day many waverers began to abandon their neutrality, and took their place with the king. Charles advanced to Colnebrook. His night attack from that point on some regiments of parliamentarians in the neighbouring town of Brentford, while a negotiation with the parliament was pending, made the hope of a speedy settlement more faint than ever. The successes which attended the arms of the royalists during the spring and summer of 1643, filled them with the highest

* May, *Hist.* 140-149.

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measure of confidence. Waller's plot, designed to bring the extreme men on both sides to more moderate terms, had diffused a feeling of insecurity among the parliamentary leaders. The death of Hampden, in the skirmish at Chalgrove, was felt by that party as a heavy loss. In the west, Bristol and many other places had fallen into the hands of the king. But the victorious career of the royalists was checked before the walls of Gloucester. Essex obliged the king to raise the siege of that place. Then came the most formidable encounter that had hitherto taken place between the belligerents in the battle of Newbury. The royalists were generally stronger than their opponents in cavalry, but at Newbury the parliamentarian infantry acquitted themselves with such steadiness and courage, as opposed to that arm of the enemy, that Charles found it necessary to retreat to Oxford. While the king's friends were busy in reproaching each other on account of this failure and of some others, the parliament became engaged in prosecuting negotiations for help from Scotland. Early in 1644 the Scots entered England. Midsummer brought the great victory of the parliamentarian army at Marston Moor. The grave oversight of Essex in the west prepared the way for the ascendancy of Cromwell; for the new modelling of the army; and for the decisive day at Naseby in the summer of 1645. As the winter in that year approached, Charles shut himself up in Oxford. In the spring of 1646 his majesty fled from that city in disguise, and presented himself in the camp of the covenanters at Newark. Little more than three years had sufficed to bring affairs to this issue. From this time the king is not again at large. The Scots surrender him to the English. The subsequent attempts of covenanters and royalists in his favour, only tend to darken his fortunes, until his darkest hour comes.

England under civil war—Difficulties.

It is not easy to realize the picture of England as the country was during those three memorable years.

In those days all means of communication were difficult. Hence when the sword was once drawn, the land began to teem with rumours of all descriptions. The captive, the deserter, the peaceful traveller, all are closely questioned as to what they could report; and the last piece of news is credited or discredited as men hope or fear. The scattered nature of the strife favours every sort of conjecture. The contributions of men and means came from all quarters and in all proportions. The great battles and the great sieges are few, but the local encounters are widespread and ceaseless, and their history would be the history of many a forgotten heroism. Historians relate what Fairfax and Cromwell did at Naseby; but they do not relate how Fairfax, though not much above thirty years of age, measured his steel in the fiercest fight across perilous dykes, along fortified walls, through narrow streets, in the open plain, by hill-side or wood-side, amidst light or darkness, amidst summer heat or winter snow. We do not learn from our common histories, for example, how Cromwell, charging in advance of his men at Horncastle, had his horse shot under him, was knocked down, had to struggle from beneath the fallen animal, and to throw himself as in a second into an empty saddle, and to rush on to his place at the head of his Ironsides. But the places over the country which had witnessed such scenes were numberless. The men who shouted 'Queen Mary,' from beneath the royal standard at Naseby; and the men who responded to that cry by thundering forth 'God is our strength,' were men who had been schooled into familiarity with such dangers before they came face to face on that day.

Difficulties of communication.

Forgotten heroisms.

It is one of the special calamities of civil war that it divides, not only a country, but many a household against itself. Our own great war was no exception to this rule. In many instances brother took side against brother, and even father and son faced each other under different standards. Many too, who were

Divided feeling and volunteer service—effect on council and action.

sufficiently agreed to act together, were far from being strictly agreed concerning the terms which should be deemed reasonable as the basis of a settlement, or concerning the manner in which the war should be conducted. The armies assembled, moreover, consisting as they did of volunteers, were not passive instruments, as required by strict military rule, but bodies of men who would reason on public events, and whose opinions and feelings influenced the course of affairs. The king himself was surrounded by men whom he could scarcely be said to command. To use them, it was necessary to cede much to their humour. The demand thus made on the patience of the sovereign was one of his greatest troubles. Of course, the parliamentary chiefs had their full share in such experiences. Men who brought rank, wealth, and self-sacrifice to the struggle, were often sufficiently mindful of what they had done to be hard to please. Hence claims to the honour and responsibilities of office too often rested on other grounds than that of personal capacity. As the fortunes of the war varied, the treacherous, the wavering, and the selfish varied with it, either going over to the other side, or becoming a vexatious hindrance to the cause which they were pledged to advance.

Failures in assessment—consequent suffering.

But the ever-pressing grievance came from the want of money. The parts of the country in the hands of the parliament were assessed to meet the expenditure of the war. But the funds required, especially when the Scotch army came to be provided for along with the English, were so great as to be new to the experience both of government and people. In many instances, the local authorities who were required to collect these contributions, needed pressure to induce them to acquit themselves satisfactorily. Their difficulties were no doubt considerable. Many who were required to contribute to the exchequer of the parliament, were slow to comply from being much more disposed to send their assistance to the king, and from

the fact that the royalists menaced all such contributors with severe penalties. As the consequence, the means of subsistence from such sources failed to portions of the army, not merely for weeks, but sometimes for months together. In these circumstances, the common remedy was to extort supplies from such as were known to be royalists, or to procure assistance in the way of loan from friends. Nothing was more deprecated by the parliament than that its soldiers should be billeted on the inhabitants; but in many districts even that was unavoidable. Often all these means were so far inadequate, that the men complain of being, not only hungry, but shoeless and coatless, and wholly unfit for the service demanded from them. Under these influences, companies formed one month, are sometimes reported as having gone back to the plough or the loom the next. This was the state of things in Yorkshire towards the close of 1642, as described by lord Fairfax. His brave son Sir Thomas takes up the same lament early in the following year. Men he could raise in almost any numbers, only let him be possessed of the means to arm them, and to meet their reasonable wants in food and clothing. It is one of his griefs that the spirits about him become mutinous on being 'restrained from their will' by such impediments.*

Cromwell and the commissioners of Cambridge.

Cromwell, in the August of the same year, apprises the commissioners at Cambridge of the dangers which pressed on the midland counties, and writes: 'I beseech you hasten your levies, especially those of foot. 'Quicken all your friends with new letters on this 'occasion, which I believe you will find to be a true 'alarm. The money I brought with me is so poor a 'pittance when it comes to be distributed among all 'my troops, that considering their necessity it will not 'half clothe them, they were so far behind. If we 'have not more money speedily they will be exceed-

* Fairfax *Correspondence*, iii. 25-44.

'ingly discouraged. I am sorry you put me to it to 'write thus often. It makes it seem a needless im- 'portunity in me; whereas in truth it is a constant 'neglect of those who should provide for us. Gentle- 'men, make them able to subsist who are willing to 'spend their blood for you.'* We do not know what the effect of these strong and ringing words may have been, but we know what it ought to have been. Of course, Cromwell found a feeling more like his own in some quarters.†

The young men and maidens of Hunting-don.

Six days before writing thus to the commissioners at Cambridge, he had received a communication from 'the young men and maids' of Huntingdon, volun- teering to send him a company of infantry at their own charge. Excellent was his reply—only let your company be horse, and not foot, and by that change you will render me treble service, 'especially if your 'men be honest, godly men, which by all means I 'desire. I thank God for stirring up the youth to 'cast in their mite, which I desire may be employed 'to the best advantage. My advice therefore is, that 'you would employ your 240*l.* to buy pistols and 'saddles, and I will provide fourscore horses—for 400*l.* 'more will not raise a troop of horse. As for the 'muskets you have bought, I think the country will 'take them of you. Pray raise honest, godly men, 'and I will have them of my regiment.'‡

* Fairfax *Correspondence*, iii. 58, 59.

† It must not be supposed that difficulties of this nature were peculiar to the parliamentarians—they were greatest on the side of the royalists. Clarendon mentions the slowness of the king's friends to lend him money among the principal causes of his ruin. His majesty, it is said, had 'to raise men without money, to arm them without weapons, and to keep them together without pay; so that the country had both to feed and clothe the soldiers, which quickly inclined them to remember only the burden and to forget the quarrel.' Those who took part with the parliament, it is said, served it in every way possible, while those who professed to be with the king deemed it enough if they did him no disservice.—*Hist.* iii. 251-256, 451, 452.

‡ The above letter and the preceding one are printed for the first time in the Fairfax *Correspondence*, iii. 57-59.

There is a touching letter addressed about this time by some twenty officers to Sir Thomas Fairfax, in which they remind their general that they are men who have all 'lived in a reasonable affluence;' that by 'God's omnipotence' they have 'showered happy successes' on their country; and they complain that they should be left as they are, without the means of providing 'clothes for their backs, shoes and other 'accoutrements for their horses, and some comfortable 'refreshing for their bodies.' Sir Thomas clothed fifteen hundred of his men at his own cost.* The cause of the parliament was saved by the firm and unselfish temper of such men. Of all places, London was the most faithful in its service. Its contributions were large and incessant.

Officers' letter to Fairfax.

When, therefore, we read of the spoliations and turbulence attributed to the troops which traversed the country, whether royalists or parliamentarians, the frequent pressure of these necessities, on both sides, must not be forgotten. Wanton injuries were sometimes done to property, especially when the mansions deserted by their owners were converted into barracks. But such excesses were not common, and certainly were not so much chargeable on the followers of Oliver Cromwell, as on those of prince Rupert.† And there were occasions on which the two parties could acquit themselves courteously and magnanimously towards each other. When the wife of Sir Thomas Fairfax becomes the prisoner of the earl of Newcastle, it is pleasant to see that nobleman conduct her to his own carriage, and send her in company with a lady of his own household, and under a fitting escort, to the quarters of her husband. It is pleasant also to see Sir Thomas returning that considerate chivalry manifold, by his generous guardianship of the children of

Alleged violence—how it should be viewed.

The courteous and the magnanimous not extinct.

* Fairfax *Correspondence*, iii. 66, 67.

† See *Memoirs of Bulstrode Whitelocke*, 170, 171, for a sample of the wild waste and vandalism of Rupert in the earliest stage of the war.

the earl when their father had become an exile. And not less pleasant is it to see that this Puritan chief could win the most earnest expressions of gratitude from the family of the late earl of Strafford, by his delicate and thoughtful effort to shield them from the injuries to which they might have been exposed in times so charged with passion and disorder.

Causes of the success of the parliament—Character of the king.

Accident had little to do with the issue of this conflict. Slight circumstances may have influenced some of its incidents; but the final result came from causes which were deeply laid, and for the time irresistible. Not the least among these causes may be seen in the character of the king. Charles, though cold and reserved, could be courteous, and could stoop to make friends when that policy became expedient. Regal vanity, even more than the love of despotic rule, may be said to have been the great source of his troubles. Both James and Charles had learnt to think, that in the eyes of continental sovereigns, a king must be great in the measure in which he is seen to rule in independence of his subjects. It became their ambition accordingly, to seem to be possessed of great power in that form. It was the strength of this feeling which prompted them to so many acts of insincerity and lawlessness. But every act of that nature in the history of Charles had tended to deepen in the parliamentary chiefs the resolve that nothing concerning the safety of themselves, or of the liberties of their country, should be left to the word or to the inclination of the king. The intemperate may become sober, the impure may become chaste, even the covetous may become liberal; but where is the man once given to insincere and crooked ways who has ever been known to abandon them? Hence to the clearest heads and the stoutest hearts among the parliamentarians, the conclusion became settled—the king who may not be trusted, must be subdued.

Influence of the queen.

Another cause of the disaster which came upon the arms of the king may be found in the influence of the

queen. Henrietta, after the settlement of some domestic differences, acquired much influence over the feeling and conduct of her husband. She was a lady of a passionate and energetic temperament. When offended she would dash panes of glass to pieces as a mode of venting her anger; and if she wished her attendants away, she could soon frown them from her presence. Often, her majesty scarcely knew how to be courteous to her English friends. She was jealous of Buckingham, jealous of Strafford, and of every one else who seemed to possess any influence over the king independently of her own. On twelfth day in 1634, the queen entered her drawing-room with the king, and looking round among the company in search of the earl of Northumberland, her majesty beckoned his lordship to her, and said that she had moved the king to confer one of the vacant garters on him. Charles, in confirmation, presented his hand to the nobleman, who kissed it accordingly.* The lady who could dispense the royal favour thus openly would not want an obsequious following. Henrietta's ideas of what a sovereign should be were wholly French. In regard to religion too, her experiences in this country had led her to cling more tenaciously than ever to her Romanist creed; and she was well known to be the medium of all kinds of transactions between the king and religionists of that class. In the northern counties, in Ireland, in Holland, in France, and elsewhere, Henrietta had her agents devoted to her will. It was felt, accordingly, as not enough that his majesty should be brought to reasonable terms. Beyond the power of the king there was another, always present with him, and a power to which his own was in great part subject. The cavaliers affected to despise this jealousy of a woman's influence; but they were many of them made to feel that not a little was dependent on that secret spell.

* Strafford *Letters*, i. 360.

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Among the spoil taken at Naseby was the king's cabinet, containing, with other correspondence, several letters to the queen. In Oxford, Charles declared before the altar, and when about to receive the sacrament, that he would maintain the Protestant religion, *without any connivance at Popery*. But in one of these letters, written a few months later, Henrietta is empowered to promise the English Catholics an entire removal of the laws enacted against them so soon as they should enable him to perform that service in their behalf. Further, Charles had refused for some time to call the two houses at Westminster a parliament; and when constrained by the necessity of his affairs to do so, his majesty deemed it proper to write to the queen in vindication of himself in the following terms:—'As to my calling them at London a parliament, I shall refer thee to Digby for particular satisfaction; this in general—if there had been but two besides myself of my opinion, I had not done it, and the argument that prevailed with me was, *that the calling them did not by any means acknowledge them to be a parliament, upon which condition and construction I did it, and on no other.*' In another letter, her majesty was desired to comfort herself with the assurance, that should the campaign of 1645 be successful, a 'short period' should be given 'to this perpetual parliament.'* These letters were printed and circulated through the country, and served to demonstrate, not only the potent influence exerted by the queen, but the hopeless insincerity of the king. The character of the court being such, the policy imperative on the parliament became a policy of conquest rather than of compromise.

Habits of the royalists and differences among them.

We may mention as a third cause of the failure of the royalists, the unsettled principles and the dissolute habits, which characterised not a few of the men who joined the royal standard. The names of Falkland

* *King's Cabinet Opened.*

and Hopton are enough to suggest that among those who took that side there were many thoughtful and high-minded chiefs, who saw, or thought they saw, that the time had come in which the power needing a curb, was not the power of the crown so much as that of the parliament; and who would have been content with some mutual adjustment of the questions at issue. But the good influences of such adherents were more than neutralized by influences of an opposite description. Speaking generally, the royalists had come from the higher and lower level of the state, embracing few from the middle class. The persons who accepted the command over their troops were generally young men of family, whose habits of self-indulgence were little friendly to the discipline which the service before them demanded. Some were soldiers of fortune, who had served their apprenticeship in the wars of Germany or of the Low Countries, and were not very scrupulous where they employed their swords. Some had taken up arms from a passionate aversion to the religion of the Puritans.* Others had so done from an hereditary feeling of honour, though not altogether satisfied with the object of the war. Added to all these diversities was the doubtful element contributed by the English and Irish Catholics, who naturally

* The lowest class in many towns, it seems, were great royalists. The following is Baxter's picture of such in Kidderminster. 'They were like tied mastiffs newly loosed, and fled in the face of all that was religious—yea, or civil—which came in their way. It was the undoing of the king and the bishops that this party was encouraged by the leaders in the country against the civil and religious party. When the wars began, almost all these drunkards went into the king's army, and were quickly killed, so that scarce a man of them came home again.'—*Life*, 42. 'When we followed the lord Goring westward,' says Baxter, 'we found that above all other armies of the king, his soldiers were most hated by the people for their incredible profaneness and their unmerciful plundering (many of them being foreigners). A sober gentleman, whom I quartered with at South Petherton, averred to me, that a company of them with him, pricked their fingers and let the blood run into a cup, and drank a health to the devil in it—and no place could I come into but their horrid impiety and outrages had made them odious.'—Ibid. 55.

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preferred the connivance they had long experienced under the government of the king, to the intolerance with which they were threatened by the men in arms against him. All these differences insured, as we have seen, divided councils, divided military operations; and from these roots of discord came weakness—a fatal weakness.

Clearer and deeper motives of the parliamentarians.

Among the parliamentarians there was more unity, as the result of principles better apprehended, and of objects more clearly defined. This party could reckon upon a considerable minority in the peerage and among the wealthy landholders; and was especially strong among the merchants, the traders, and in the classes somewhat above the lowest in towns. It embraced also a large body, we may perhaps say the majority, among the yeomanry throughout the kingdom. The real strength of the nation, may be said to have been on that side. The army of the parliament, accordingly, consisted for the most part of men capable of appreciating what our English parliaments had done towards placing a real security about the persons and properties of Englishmen. Fresh in the memory of such men were the struggles which had issued in the enactment of the Petition of Right; in the fall of the courts of Star Chamber and High Commission; and in the proscription of monopolies, of ship-money, and of all illegal imposts. These were well-understood acquisitions. Moreover, by the parliamentarian army it was never forgotten that of late the inroads of arbitrary power had been connected with ceaseless attempts to assimilate the worship of the church of England, as far as that might be done at all safely, to the Catholic ritual. In this policy the king and the prelates had shown themselves to be of one mind. They were agreed, moreover, in regard to the persecuting measures by which this system of innovation should be sustained. The Puritan conscience, which was the conscience of the parliamentarian army, rose up against all this, and in resolving to sweep it utterly away, accounted itself

as discharging a duty both to God and to humanity. The clear and deep motive was on that side, and along with that motive went the power to endure and to dare.*

Genius of Cromwell.

One man there was who, above every other, embodied the spirit of the parliamentarian army. Cromwell was created to be the expression of its feeling in regard both to civil and religious liberty; and in any attempt to enumerate the causes which led to its triumph, the force of his genius must not be overlooked. His first seat in the legislature was as member for Huntingdon in 1640. On the meeting of the Long Parliament he was returned for the town of Cambridge.

At the commencement of the war, Cromwell raised a troop of cavalry, consisting exclusively of freeholders, or of the sons of such persons, men who well understood the ground of the present quarrel, and were likely to hold their own when brought face to face with the proudest among the cavaliers. Their leader

* 'I thought,' said the honest Richard Baxter, 'that subjects were not guilty of all the faults of king or parliament in defending them, and that allowing both parties to have been considerably in the wrong, men should adhere to that party which should most secure the welfare of the nation, and might defend the kingdom under their authority without owning all their cause. And herein I was then so zealous that I thought it was a great sin for men that were able to defend their country to be neuters. And I have been tempted still to think that I was a more competent judge upon the place, when all things were before our eyes, than I am in the review of those days when distance disadvantageth the apprehension.'—*Life and Times*, Part i. 30. The same writer says the royalist soldiers plundered the Puritans wherever they came, which led thousands of religious men to present themselves to the garrisons of the parliamentarians and to become soldiers. So the royalists helped to give just that material to the army of the parliament by which they were themselves to be vanquished. 'Drunkards and the rabble,' continues Baxter, 'who formerly hated the Puritans, when they saw the war beginning, grew enraged; for if a man did but pray or sing a psalm in his house, they would cry Down with the Roundheads, and put them in fear of sudden violence.'—*History of Councils*, 92, 93. Mrs. Hutchinson's account of the ill-usage to which religious men were exposed in Nottingham, and of its effect in making them soldiers, confirms that of Baxter.—i. 180-219.

secured their obedience by meriting their confidence and attachment; and when they rallied to the call of his bugle at Naseby, he had risen before them to the rank of lieutenant-general.

Ecclesiastical affairs in relation to Cromwell and the Independents.

Before that day the progress of the war had brought considerable change into the relations of parties—changes which, as they affected the power of Cromwell, gave their impress to the future. The action at Brentford had disposed the parliament to confer with the Scotch commissioners in London with the view of bringing their countrymen again into the field. The leading men in the two houses would willingly have avoided seeking aid from that quarter. But the early successes of the royalists created alarm. More definite overtures were accordingly made. Lord Gray and Sir Harry Vane, Mr. Marshall, a Presbyterian minister, and Mr. Philip Nye, an Independent, were sent as a deputation to the estates and kirk of Scotland on this business. The Scots were large in their demands. The adoption by the English parliament of that potent engine of revolution and intolerance, the League and Covenant, was declared to be indispensable. But the Scotch covenant was never received in England according to the Scotch interpretation of it. As assented to by the Assembly of Divines and by the parliament, it was construed as not inconsistent with the retention of a primitive episcopacy; and the reform of the English church was to be 'according to the word of God,' and not simply according to the example 'of the best reformed churches.'*

The parliament assembled by the king in Oxford, had drawn off the greater part of the Episcopalian party from the two houses at Westminster.† The majority which remained were Presbyterians. And

* Baxter's *Life*. Rushworth, v. 463 et seq. Clarendon, *Hist.* iii. 305-308. Baillie's *Letters*, i. 372-381.

† The parliament assembled by Charles in Oxford numbered forty-three peers, and about two hundred commoners. Of the commoners, one hundred and eighteen were seceders from Westminster.—Rushworth, v. 559-602.

there was a minority who were Independents, or at least favourable to that body, and what this party wanted in numbers, was compensated by the ability and energy of its leaders. Many new questions now arose concerning the limits to be imposed on the action both of church and state in regard to religion.

Assembly of divines.

With a view to the settlement of such questions, it was resolved that an assembly of divines should meet at Westminster, somewhat after the manner of a house of convocation. The clergy admitted to this assembly—one hundred and twenty in number—were chosen equally from the different counties, and were indebted for their election to the nomination of the parliament, and not to any suffrage from their brethren. To this number of divines, ten peers, and twenty members of the commons, were added, with some other persons at the pleasure of the two houses. The function of the assembly was not legislative, nor could it originate its own discussions. It could only deliver its judgment on the matters submitted to its consideration. The complete subjection of the spiritual power to the secular, which Elizabeth had done so much to establish, was so far perpetuated.*

Clarendon affirms, that most of the clergy admitted to this synod were 'of no other reputation than of 'malice to the church of England.' Baxter, on the contrary, declares that no lower house of convocation had possessed so much piety or more learning.

The Independents.

Some of its members, according to Baxter, were 'too 'much for liberty.'† These were the Independents, of whom Clarendon says, 'they were more learned

* Rushworth, v. 337-339. Baillie, i. 398-402. Baillie was much troubled on finding the English parliament in this mood. Writing a little later, he says (April, 1645), 'The most of the house of commons are downright Erastians. They are like to create us more woe than all the sects in England. This man (Selden) is the head of the Erastians; his glory is most in Jewish learning; he avows everywhere that the Scottish church and state were all one, and so in England it must be, the parliament is the church.'—ii. 96-107. Whitelocke, 163, 164. Neal, iii. 116, 117, 236, 242.

† *Life and Times*, 140-143.

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'and rational than the Presbyterians, and though they 'had not so great congregations of the common people, 'yet they were followed by the more substantial and 'wealthy citizens, as well as by others of better con-'dition.' Baxter, too, who is rarely more prejudiced than when touching upon sectaries, observes concerning this body, that 'most of them were zealous, very 'many learned, discreet, and godly men, fit to be 'serviceable in the church.'* The Independent ministers in the Westminster Assembly, never amounted to more than ten or twelve. But they were most of them men whose life had been a ceaseless debate in defence of their principles, and who had braved much in support of them, both at home and in exile. After such experiences, they were not likely to be greatly dismayed by the storming of the Presbyterian majority arrayed against them in the Jerusalem Chamber. Baillie, one of the most intolerant among their antagonists, says of them—'Truly, they speak much, and 'exceedingly well; if the cause were good, the men 'have plenty of learning, wit, eloquence, and, above 'all, boldness and stiffness to make it out.'†

Months pass away, and these disputants are still in the field, insisting that to vest a power in the Presbyterian clergy so like that which had been taken from the bishops, would be to perpetuate the old tyranny under a change of masters. In the end a committee was formed, consisting of a deputation from the assembly, from the Scotch commissioners, and from the parliament, to see how the difficulties thus gendered might be brought to the best termination. But before this committee had made its report, the Independents at Naseby had done something material towards strengthening the hands of their brethren in Westminster.

The Independents

Even in that religious age, the number of persons

* *Life and Times*, 140-143.

† *Letters*, i. 436.

who might be described as outsiders—as persons having no clearly defined religious principles, or religious connection — was considerable. But the circumstances of the times obliged even such men to ally themselves, more or less, with some religious party; and the Independents, from their more tolerant maxims, were the natural objects of preference, both with the thoughtful and the thoughtless, who were in that position. It was in a measure from this cause that the party comprehended under the name of Independents, increased so rapidly throughout the kingdom, and especially in the army. The comparative liberty secured by Cromwell to free thought and action among those who served under him, drew great numbers to his standard.

and Cromwell.

Jealousy and resentment on the part of the Scotch Presbyterians was the natural consequence of this circumstance. That this new heresy called liberty of conscience might be checked, and that the conduct of a man supposed to be no friend to the Scottish army might be placed under due oversight, the commissioners from the north contrived that one of their countrymen, major-general Crawford, should be always near his person. The rivalry and dissension which grew up between Cromwell and Crawford, grew up between their respective partizans. At length the chiefs brought their accusations against each other before a council of war. Cromwell insisted that Crawford should be dismissed; but the leaning of the earl of Manchester was to the side of the Presbyterians, and the result was a coolness between the earl, who was first in command, and Cromwell, who was next in authority.*

Cromwell and the Scots disagree.

In fact, the position of Cromwell at this juncture was one of considerable danger. Essex regarded him

Cromwell's position one of danger.

* The first hunded pages in the second volume of Baillie's *Letters* are full of allusions to these disagreements in the army. See also Whitelocke's *Memorials*.

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with suspicion. Manchester admired his genius, but was disquieted when obliged to face him as an opponent. The manner in which the war had been for some while conducted, seemed to baffle all calculation with regard either to the time of its continuance or the terms on which it might be brought to a conclusion. Advantages, in place of being improved, had been allowed to pass away, as though something short of necessity would suffice to bring the royalists to the terms insisted on by the parliament. The king was not to be vanquished, he was only to be beaten a little more, and then all would come right. Cromwell saw this policy in its true light, and his sagacious and ardent nature was not a little irritated by it. There were, in consequence, two points about which he became much concerned — he wished to see the war pressed to its issue by more vigorous measures; and to see the ecclesiastical intolerance, still so rife in many quarters, brought to an end. The first of these objects was not to be expected from the dilatory and mistaken policy of the present commanders; to the second the Presbyterians, especially those from Scotland, were the grand impediment.*

Cromwell and the Self-denying Ordinance.

Cromwell's opponents decided to carry their dispute with him to the arena of parliament. His answer to his friends was—To the parliament let it go; and as the shortest and best means of dealing with it there, he rose in his place and proposed what has since been well known by the name of the Self-denying Ordinance. This ordinance, the necessity of which was strenuously urged by Vane, required that no member of either house of parliament should hold any military office beyond a certain day. The effect of this mea-

* At this time, says Baillie, the Independents had so managed their affairs, that in the army under Manchester and Cromwell, and according to report, in that under Waller, they were as two to one in comparison with the Presbyterians. This majority, moreover, embraced both officers and privates, and both are described as being 'by far the most resolute and confident men of the parliament party.'—*Letters*, ii. 5.

sure would be to remove Essex and Manchester from their place as commanders; but Sir Thomas Fairfax and general Skippon were Presbyterians, and would not be affected by it. The upper house did not look with favour on the bill, but it ultimately passed—passed, however, it should be observed, with a *retrospective* bearing only. It was to come into action on the day mentioned, but it was not to be a law or precedent beyond that day.*

The ordinance passed the upper house on the third of April. It was to take effect at the end of forty days. When those days were coming to a close, Cromwell, who had been occupied in the neighbourhood of Salisbury, joined the parliament army under Fairfax at Windsor. On the day following, Fairfax received a command from the committee of both kingdoms requiring that Cromwell should be sent into Oxfordshire to prevent a junction between the king's army and a body of cavalry under the command of prince Rupert. Cromwell came upon the prince and his four regiments near Islep bridge, in that county. He soon put them to flight, slew many, possessed himself of the queen's standard, and returned with about two hundred prisoners. He was then sent to protect the associated counties, the royalists having assembled in considerable force in their neighbourhood; while the Scots, dissatisfied with some recent proceedings, refused to advance southward. The first order from the committee to the army under Fairfax was, that it should march into the west; but the lord-general was soon called from Taunton to watch the motions of the grand army under the king, which had moved in the direction of the midland counties. In prospect of an engagement which might decide this great controversy, Fairfax was anxious that his cavalry should be placed under the command of Cromwell. He wrote to the parliament to that effect, and Cromwell was imme-

* Rushworth, vi. 4-16.

diately required, by a vote of the two houses, to join the grand army near Northampton. He did so on the thirteenth of June, and on the day following the battle of Naseby was fought. The victory of that day was mainly attributed to his capacity and courage. Such was the estimate of his services, and the impression that they might still be needed, that the ordinance was further suspended in his favour.*

The battle of Naseby, 1645.

Enough has been said to show that among the causes of the success of the parliamentarians the genius of Cromwell must always hold a conspicuous place. In him, and in the nature of the elements which had come under his influence, we may see the great source of the catastrophe which had now come upon the royal cause.

Subsequent policy of the king.

During several months Charles avoided the pursuit of his enemies by the rapidity of his movements. Early in November he returned with the remnant of his army to seek his winter quarters in Oxford. The jealousy with which the Presbyterians regarded the Independents now formed his majesty's only source of hope for the future. The Oxford parliament had come to an end. About this time a hundred and fifty new members were added to the lower house in Westminster, in place of those who had withdrawn or had been declared incapable. The number of the Independent members now approached more nearly to that of the Presbyterians. The Scotch army was still zealous in the cause of the covenant, and the majority of the citizens of London were still Presbyterians; and such was the feeling with which the Presbyterians regarded this growing power of the Independents, that they became more disposed to enter into some hollow compact with the king, than to conform to the more liberal policy of these new antagonists.

Charles hoped to make his use of these circumstances. He sent several messages to the parliament,

* Rushworth, vi. 16-39.—Whitelocke, 144.

full of appeals to humanity and religion, in favour of peace. He proposed to go to the capital in person for forty days, under a safe-conduct from the two houses, rather than see the restoration of tranquillity any longer deferred. He also expressed his willingness to place the militia in the hands of commissioners for three years, the one half to be chosen by himself, the other by the parliament. With regard to religion, said his majesty, let there be a restoration of the church as it was in the times of James and Elizabeth, with a 'full 'liberty for the case of tender consciences; and the 'free use of the directory (the form of worship pro-'vided by the assembly of divines) for such as desire 'it.' It may seem a matter of regret that peace was not concluded on such terms. But the more rigid covenanters would not consent to the restoration of episcopacy; and the parliamentary leaders could not look without apprehension to the end of the next three years, when the entire command of the forces would pass into his majesty's hands. The two houses refused to negotiate, and insisted on submitting their own conditions of settlement to the sovereign in the form of a bill. Charles, finding them firm to this purpose, abandoned his tone of moderation, and indulged so freely in censure and invective as to satisfy the commons that their course towards him had been wisely taken. Only a few days later, this conviction was strengthened by disclosures which made it clear, that while the king was thus pleading for peace with the English parliament, he was negotiating for military aid from the Irish Catholics, promising them everything they could demand on condition of their coming armed to his assistance. This revelation left the monarch powerless.*

* The reference in the text is to the commission given to the earl of Glamorgan. When the detection came, Charles affected to disown what the earl had done; but in this case there was nothing in the worst things attributed to the king that was really worse than the fact.—See Birch's *Inquiry*. Carte's *Ormond*, iii. 436-440. Rushworth, vi. 239, 240. Leland's *History*

Duplicity of the king.

Charles now made further concessions. He proposed that the militia should be assigned to commissioners nominated solely by parliament, and who should retain their trust for seven years; that the two houses should appoint a lord high admiral, the officers of state, and the judges, for life; and that acts of oblivion should be passed in both kingdoms. As the reply to these proposals came not so promptly as was desired, the king offered to disband his forces and to remove to London, confiding in the generosity or the justice of the parliament for the nature of the settlement to be resolved upon. Three days after making this communication, his majesty writes in the following terms to lord Digby: 'Now for my own particular resolution. I 'am endeavouring to get to London, so that the con- 'ditions may be such that a gentleman may own; and 'that the rebels may acknowledge me king, being not 'without hope that I shall be able to draw either the 'Presbyterians or Independents to side with me for 'extirpating one another, so that I shall really be king 'again.'* The commons needed not half the sagacity they possessed to feel assured that the purpose of the king in his intended appearance in London was such as the above letter expresses; and they provided against his policy by declaring, that should his majesty come within the lines of the metropolis, means should

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of Ireland, iii. 247-296. Lingard, x. 319-325. Clarendon, writing to secretary Nicholas, expresses himself on this subject in the following terms: 'I must tell you I care not how little I say in that business of Ireland, since those strange powers and instructions given to your favourite Glamorgan, which appears to me so inexcusable to justice, piety, and prudence. And I fear there is very much in that transaction of Ireland, both before and since, that you and I were never thought wise enough to be advised with in. Oh! Mr. secretary, those stratagems have given me more sad hours than all the misfortunes in war which have befallen the king, and look like the effect of God's anger towards us.'—*Papers*, ii. 337. The whole, according to Glamorgan, was so done, 'that the king might have a starting hole to deny the commissions, if excepted against by his subjects.'—Ibid. 201, 202, 346.

* Carte's *Ormond*, iii. 452.

be immediately taken to insure the public peace, and to preclude all resort to him. Charles now fled from Oxford, and sought an asylum in the Scottish camp.

1646, April 25.

During the year 1646 the struggle between the Presbyterians and the Independents in the commons was mostly in favour of the former, though not in all instances. In fact, the two parties were so nearly balanced, that questions on which they were opposed to each other were rarely carried by a majority of more than eight or ten votes.*

Project to establish Presbyterianism.

But the measure which served especially to manifest the power of the Independents at this juncture, was that intended to determine the exact form in which the Presbyterian polity should be established. By the ordinance issued on this subject in 1645, it was determined that the country should be divided into provinces, and that each province should be separated into parochial or congregational assemblies. It was also provided that distinct from these congregational assemblies, classical or district assemblies should be instituted, and that the process of appeal should be, from the assembly of the district to that of the province, and from the assembly of the province to the general assembly, consisting of delegates from the whole nation. For the preservation of discipline, the congregational assembly was to meet once a week, the classical assembly once a month, the provincial assembly every half year, and the national assembly only at such times, and for so long, as the civil power should deem

* On the question, it seems, concerning the preservation of the covenant, either entire or with no very material modifications, a large majority could be secured by the Presbyterians — 133 to 91.—*Journals*, Dec. 25, 1646. Hollis, Stapleton, Glynn, and Clotworthy were conspicuous among the leaders of the Presbyterian party in these discussions. Hollis left some account of the times in which he lived. Concerning the historical value of his memoirs, a judgment may be formed from the language used in his dedication of them. 'To the Unparalleled Couple, Mr. Oliver St. John, his majesty's solicitor-general, and Mr. Oliver Cromwell, the parliament's lieutenant-general, the two grand designers of the ruin of three kingdoms.' —Normandy, Feb. 14, 1648.

expedient. It was also a part of this plan, that in forming these assemblies, the elections should be in the average of two laymen to one clergyman.

Impeded and modified by the Independents.

But the Independents looked with much apprehension on the tendencies of this formidable machinery, and did what they could to prevent its coming into action. It was not before 1648 that the congregational assembly was allowed to possess the power necessary to create the classical assembly. Nor was it enough that the national assembly was made dependent for its existence on the pleasure of the parliament. An appeal was made to lie in all cases from the ecclesiastical to the civil power, as a last resort. Nothing could be more unacceptable to the more rigid among the Presbyterian clergy than the great principle underlying these restrictions. According to their theory, the secular establishment of religion was the first duty of the state; and the magistrate, while securing to them their status and emoluments, was to leave them in full religious independence, and was to be prepared to enforce their ecclesiastical decisions by civil penalties. So tenacious and earnest were they on these points, that in defiance of the known power of their opponents, they ceased not to iterate their complaints concerning the increase of sects, and the mischiefs which ensued as the natural consequence of withholding from them the coercive powers necessary to suppress such disorders.*

The Scots surrender

Towards the close of 1646, a committee of both

* Rushworth, vii. 203-207, 257, 261. Scobel's *Acts and Ordinances*, 75-99. There was a bill against blasphemy which this party endeavoured to carry in 1646, and which they succeeded in passing two years later, the provisions of which bespeak a frightful spirit of intolerance. By this act, any denial of the Trinity, of the proper Deity or humanity of Christ, of his death as an atonement for sin, of his resurrection, of the general rising from the dead, of the day of judgment, or of the authenticity of the canonical scriptures, was declared to be a capital offence.' The authors of this enact must have assumed in church authority all that Laud and Bonner had assumed. During two years, the Independents prevented this Torquemada measure from becoming law.

kingdoms laid a report before the commons, which led to the payment of large arrears to the Scottish army, and to the surrender of the king into the hands of the English parliament. The Scotch army was impatient to disband, the English parliament was not less impatient to be free from the cost of its maintenance. But it was necessary that the king should remain in England; and as the Scotch and English Presbyterians insisted on the same concessions, Charles was delivered by the one to the other until he should be brought to consent to their common terms. The effect, however, of this proceeding, was such as does not appear to have been foreseen. The affairs of the kingdom now became a matter at issue between an unarmed Presbyterian majority in the parliament and in the capital on the one side; and an Independent minority in the lower house, sustained by nearly the whole strength of the army, on the other side.

the king to the English parliament.

The Scots disband—its effect.

But the Presbyterians in London were far from seeing their weakness. They had flattered themselves, that being possessed of the person of the king, it would be easy to disband the army, and that the power of the Independents being thus broken, everything would be left to their disposal. In the fulness of their confidence, they presented a petition to the two houses, in which they prayed, that no person disaffected to the covenant should be promoted to, or suffered to retain, any public trust; that persons not duly ordained should no more be allowed to preach; that congregations of Separatists should be no longer tolerated; and that an ordinance should be passed to put down all heresies and schisms, by visiting their abettors with exemplary punishment. The petition further stated, that not to disband the army, would be to justify the imputation that those who were in arms had taken to them as a trade, and not from regard to the public cause; and while speedy assistance should be afforded to Ireland, means, it was added, should be used to bring those persons to deserved punishment, who to serve their

Presbyterian Test Bill—No more toleration. 1647, March.

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own private ends had been acting as firebrands between England and Scotland. This petition, largely signed by the citizens, was presented by the common council; who accompanied it by another from themselves, in which they prayed that all persons in the army, whether officers or privates, who were known to be opposed to the covenant, should be dismissed, nothing being more easy than to supply the place of such men by others more trustworthy.*

Especially levelled against Cromwell and the Independents.

Of course, in the estimation of these 'covenant-engaged citizens,' to whom the commons gave thanks 'for their constant good affections,' the greatest among the 'firebrands' adverted to was Cromwell. It was well known, also, that the men whose schisms and heresies were to be so rigorously suppressed, were eminently the men who had volunteered to serve their country under Cromwell's standard, many of whom, in the absence of better-qualified chaplains, had presumed to become preachers. The men who had delivered these petitioners from the tender mercies of a Laud and Strafford rule, were now to be paid off as mere mercenaries, and as the natural issue of this wise and grateful policy, were to look on until all that had been gained in the field should be lost through the folly of this intolerant faction in the capital. Cromwell, and those he may be said to have represented in the parliament, in the army, and through the nation, were not persons of a temper to submit to such men, or to such measures.†

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* *Tracts of George III.* British Museum, vol. 290. The commons appointed the following Tuesday for taking this petition into consideration. When that day came, the Independent party opposed their so doing, but on that question were in a minority of 99 to 156.—*Journals*, Dec. 19, 22. The majority, however, did not deem it prudent to take any action on the matter.

† 'We hope,' say the officers in the army under Sir Thomas Fairfax, 'that by being soldiers, we have not lost the capacity of subjects, nor divested ourselves thereby of our interest in the commonwealth; purchasing the freedom of our brethren we have not lost our own.'—Rushworth, vi. 469, 470. 'Many complaints and cavils were made against the officers and

The first indication of resistance was given in an advance of the force under Fairfax towards London. The common council now petitioned that orders might be issued requiring that body to withdraw to a greater distance from the capital, and urging that it should be disbanded without delay. These petitioners also complained of a counter petition said to be preparing in the city, and entreated, with their characteristic weakness and intolerance, that means should be employed to suppress it, and to ascertain who were its promoters. The petition thus opposed purported to be from 'many 'thousands desiring the glory of God, the freedom of 'the commonwealth, and the peace of all men;' and complained especially of the burden of tithes; of the exclusion of persons from public trusts by religious tests; and of the persecutions directed against people designated as Roundheads, Independents, Sectaries, Schismatics, and Heretics.*

First advance of the army towards London.

The parliament now promised the cavalry about a fifth of the pay due to them, and the infantry were to be content for the present with about half their demand; and a large division was to be sent on service to Ireland. But the officers threw impediments in the way of this last proposal. By so doing they incurred the resentment of the Presbyterian party in the commons, and some of them were summoned to the bar of the house and reprimanded. This course was taken more than once. In the end, the officers generally were required to abstain from taking any part with the men under them in their attempts to obtain a redress of their pretended grievances.*

The commons reprimand the officers of the army.

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soldiers in the army as holding erroneous and schismatical opinions contrary to true doctrine; and that they took upon them to preach and expound scripture, not being learned or ordained; those who were lately in the highest esteem and respect, as freers of their country from servitude and oppression, are now, by the same people, looked upon as sectaries; thus we see the inconstancy of the giddy multitude.'—Whitelocke, Feb. 2, 1646.

* Commons' *Journals*, March, 11, 15, 17. Lords' *Journals*.

† Rushworth, vi. 485.

Rise of the adjutators.

One immediate effect of the separation thus made between the men and the officers, was the institution of a sort of representative body from among the former, consisting mostly of non-commissioned officers, which subsequently became so memorable under the name of the council of 'agitators,' a name which their enemies gave them in place of the name of adjutators, or helpers, which they had themselves chosen. As might be supposed, through this new council the principles and passions of the great body of the military found expression without the benefit of those modifications which the superior intelligence of their officers would naturally have suggested. The path of the civilians at Westminster would not be smoothed by this change. The first public act of the council of adjutators was to present a memorial to their generals, Fairfax, Cromwell, and Skippon, in which they complained of having been denounced as enemies of their country, and that by men who, suddenly tasting the sweets of power, had forgotten their former professions and their duty, and were degenerated into tyrants. They spoke of the projected expedition to Ireland, as a device to put an end to the army; and they were not disposed to witness its dissolution, until those rights of the subject, for the sake of which they had become soldiers, should be conceded and secured.

They petition the commons.

This document was presented to the commons. It was at once moved that the three soldiers from whom it had been received should be sent to the Tower. Cromwell rose in his place, and urged that a milder course should be taken. He insisted that the army was by no means in so unmanageable a state as the house seemed to suppose. The conclusion was, that Skippon, Ireton, and Fleetwood, should be sent as a commission to the quarters of the military, and by promising a bill of indemnity and a further payment of arrears, should bring about, if possible, a settlement of differences. Ireton and Fleetwood had no doubt been parties in encouraging and directing the agita-

tion they were thus deputed to allay. But with a majority against them in both houses, it was only by a most cautious policy, or by an immediate appeal to force, that the intentions of the army—at present just and laudable—could be realized.*

Eagerness of the Presbyterians to disband the army—March from Saffron Walden. March 29.

During the next fortnight the commissioners conferred alternately with the army and with the commons. But little progress was made. Nevertheless, several votes were recorded by parliament stating when and where the regiments not included in the expedition to Ireland should be disbanded. The answer to these proceedings on the part of the army, was by a move nearer to the metropolis. Its march was from Saffron Walden to Bury St. Edmunds. At Bury a council of war was convened, at which about two hundred officers were present. Before that assembly the council of adjutators presented a petition, in which they described themselves as astonished that the measure of disbanding should have been resolved upon so suddenly. The evils of which the army complained had not been touched. Its character, on which so much aspersion had been thrown, remained without vindication. To disband them at all in such circumstances, and especially in the manner proposed, by marching the several regiments to different places for that purpose, would be to affirm anew the worst imputations that had been cast upon them. They prayed accordingly, that the army might be brought together, and that no disbanding should be allowed so long as the matters to be settled were unsettled.

Complaint of the adjutators.

The council of officers were all but unanimous in deciding that the course urged in this petition should be taken. This result was communicated to the two houses. Cromwell, having done his utmost to counteract the policy of the Presbyterians in the senate, consulted his safety by withdrawing to the camp. This

* Rushworth, v. 474, 475, 485, 486. Ludlow, i. 164. Warwick's *Memoirs*, 329.

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was early in the morning of the day on which his enemies had intended committing him to the Tower.*

Concessions by the Presbyterians made too late.

On that day, upon the advice of Skippon, the commons voted that the declaration which had denounced military petitioners as enemies of their country, should be erased from the Journals, and passed some more reasonable resolutions concerning arrears. But these concessions did not cover the whole case; and such as they were, they had come too late.†

The army get possession of the person of the king. 1647, June 4.

It was in the morning of the day on which Cromwell left London, and on which these votes were passed, that cornet Joyce presented himself before Holmby House, at the head of a troop of horse, and without opposition obtained possession of the king's person. His bold proceeding owed its origin to the profound policy of Cromwell. Fairfax looked upon it with surprise and alarm, and sent a regiment of horse to restore his majesty to his appointed residence. But Charles would not be reconducted thither. He complained that since his surrender at Newark he had been denied the service of his own chaplains; had been secluded almost entirely from his friends; and had been subjected generally to vexatious treatment. His new protectors were the men who had vanquished him in the field, and he could believe that they would be more considerate of his feeling and condition than his late guardians.‡

The 'Engagement.'

The army now removed to Newmarket: there a document was produced which bore the name of 'The Solemn Engagement.' This paper bound the officers and soldiers subscribing it, neither to disband nor separate until their alleged grievances were redressed;

* Rushworth, vi. 483-499. Clarendon *Hist.* v. 435, 436. *Journals of the Commons*, May 21, 25. The vote for disbanding was carried by 136 against 115. Ludlow, i. 165.

† *Commons' Journals*, June 1-3. Rushworth, vi. 500-503, 518, 547. Ludlow, i. 165. Waller, 180-184.

‡ *Journal of Commons*, June 1-3; *Lords*, 237, 240, 248-250. Rushworth, vi. 500-503, 513-518, 547. Somers' *Tracts*, v. 394. Warwick's *Memoirs*, 331.

nor until means should be adopted to protect themselves, and the freeborn people of England, against such oppressions as had been of late practised towards them. They were not hostile to magistracy, nor to Presbyterianism—their sole object was to obtain for themselves and others, liberty of conscience, and equality of civil rights. But they would not conceal the fact, that, in their judgment, the present government was unworthy of the trust reposed in it.

Letter from the generals to the corporation of London, and to the parliament.

This instrument was signed on Saturday the fifth of June. On the evening of the following Monday, Fairfax, Cromwell, and the principal officers sent a letter to the corporation of London, stating that the army was about to make its appearance in their vicinity. The purport of this letter was in accordance with the 'engagement;' and the city authorities were cautioned against supposing that their property would be in danger from the presence of the military. The English army did not consist of a hireling soldiery, but of men who had taken arms to put down the despotism of the throne and of the hierarchy, and who were prepared to disband so soon as the liberties they had won should be placed beyond danger. Colonel Ireton and colonel Lambert had been educated as lawyers, and their 'subtle and working brain,' to use Whitelocke's phrase, was conspicuous in the documents of this nature which came from the army.* The letter from the officers was also presented to the two houses. Replies in a tone of conciliation were given to these communications. It was especially urged that the army should not come within thirty miles of the capital.

Reasoning of the military—Accusation of eleven members.

The military defended themselves by saying, that in the parliament, it was only by a very small majority that their enemies had prevailed against them; that there was little in the oppressions which had been put down by the sword, which that majority were not

* Rushworth, vi. 510-555. Whitelocke, 257.

prepared to introduce anew by the help of the magistrate; and that they had no confidence in that party as being either able or willing to bring the questions at issue to a satisfactory settlement. A declaration from the army, two days later, accused eleven members of the commons by name as men who had proved themselves unfit to be entrusted with any place in the government or in the legislature. The accused members demanded that they should be brought to trial. The charges against them were presented on the appointed day, and answers were returned, but both parties appear to have expected advantage from delay.

Hopeful appearances between the army and the king.

In the meanwhile the principal officers endeavoured to influence the feeling and judgment of the king in their favour. Contrary to the practice of the Presbyterians, they had allowed his majesty's chaplains and friends free access to him. They also permitted his children to be for some days about him, and assured him that the military were inclined to restore him to his throne on reasonable conditions. Great was the excitement at this juncture. The Presbyterians in London instituted a rival 'engagement,' by which they bound themselves to endeavour to secure the return of the king to London, and a final treaty with him on the basis of the covenant. But their friends in parliament had become alarmed. The eleven members fled beyond sea. The commons declared the city 'engagement' treasonable, and placed the city militia under the charge of a mixed committee, in place of leaving it wholly in the hands of the Presbyterians.

The apprentice riots—Parliament coerced. 1647.

On the evening of Saturday, the 24th of July, a multitude assembled in the city, and insisted that the common council should present a petition to parliament that evening, requiring the two houses to rescind their vote against the city engagement, and that also which placed the militia in the hands of a mixed committee. The council promised compliance; but before the petition could be prepared both lords and commons had risen. Early on Monday morning the city

authorities began to move towards Westminster, followed by a multitude, described as consisting of 'apprentices, seamen, reformadoes, malignants, and 'tag-rag.' The city magnates obtained audience first from the peers, presented their petition, and demanded that the two obnoxious votes should be cancelled. The lords answered that they still adhered to those votes. News of this reply passed to the crowd outside, and immediately the apprentices forced their way at the head of the multitude into the presence of their lordships, and told them aloud that they must rescind those votes or they would not be allowed to leave that place. One of the boldest of them standing at the bar, shouted out—'Where is Manchester? 'we must call him to account.' The peers, it seems, deemed it prudent, for the moment, to submit to this insolence, and, after some fair words, declared their recent decisions concerning the engagement and the militia void.

About two o'clock a similar onset was made in the house of commons. The common council presented their petition, and the crowd which followed at their heels called upon the house to do as the lords had done. But the commons were not to assent so readily. They evaded the demand. They sent messenger after messenger for the militia. But the mayor would not move. The militia gave no sign. Even the guards who were present did not attempt to check this outrage. Watson, the 'scout-master' of the house, was seized and hustled off to prison. Men who were known to be servants to persons belonging to the army, were seized by their ears and noses, and so led up and down amidst shouts of—'These are 'Independents!' and amidst peals of laughter. So hours passed. At length the sheriff made his appearance, followed by some forty halberdiers. It was in vain to expect a rescue by such means. Towards eight o'clock the commons assented to the demand made upon them. When this was done, and the

houses had adjourned, and the speaker had left the chair, a crowd rushed in again, forced back the members, and seizing the speaker told him he must return to the chair, and that another vote must be passed before they would be allowed to depart. This further vote was, that it is expedient the king should be conducted to London without delay. The speaker was made to put it from the chair, some of the members, amidst the tumult around the table assented, and the 'tag-rag,' who covered the floor of the house, would not depart until the clerk had written down the order, and given it under his hand.* Men of sense who may have hesitated as to the side which should be taken between the parties thus at issue, did not surely need to hesitate longer.

The army submit their terms of settlement to the king.

Charles watched these proceedings with the deepest interest. Everything that tended to bring the two parties towards an equipoise, and to embroil their affairs, was regarded by him as favourable to the part which he was disposed to take as that of an umpire between them. The men with the 'working brain' in the army, were not slow in preparing a new scheme of settlement, to be submitted to the king and to the parliament. This scheme provided that a new parliament should be convened every two years, upon a principle of election which required the extinction of decayed boroughs, and which adjusted the number of members for boroughs and counties according to relative extent and property. Each parliament was to deliberate for one hundred and twenty days, from the time of its meeting, as its first session. After that space, and not before, it might be adjourned or dissolved by the king; and at the close of a second session of the same extent it dissolved of course. In cases of impeachment, the judgment of the two houses was to be

* See Rushworth's account of this extraordinary proceeding—by far the fullest that has descended to us—in the Fairfax *Correspondence*, iii. 379-384. See also *Commons' Journals* from June 6 to 26. Whitelocke, 259-263. Ludlow's *Memoirs*, 171-178.

carried into execution—the king was not to have the power to pardon. The command of the militia was to be vested in the parliament for the next ten years; and to be resumed by the sovereign at the close of that interval, with the consent of the legislature. The persons who should constitute the council of state now to be appointed were to be chosen with the concurrence of all the negotiating parties, and to hold their offices during good behaviour, in no case longer than seven years. The parliament was to retain the power of peace and war, and after the next ten years was to name three candidates for each office of state, from whom the king was to choose one. The bishops might be restored, but without the power to inflict any civil penalty on account of religion. Nor were any compulsive means to be employed in regard to the use of the common prayer on the one hand, or the adoption of the covenant on the other. With these more important provisions were some enlightened suggestions pointing towards reform in the administration of the law.

Moderation of the scheme—Error of the king.

Some of the men who had been most occupied in digesting this scheme were republicans. But they knew well they had to negotiate in reference to a people in whom an attachment to monarchy was still a prevailing sentiment. All things considered, these terms were singularly moderate and wise. But when submitted to the king, his majesty's language was so haughty and irritating as to destroy all hope of an amicable restoration. Sir John Berkeley, one of his attendants, ventured at length to whisper to him, 'Sir, you speak as though you possessed some secret 'strength unknown to me; and since it is unknown to 'your friends, I wish it had also been kept a secret 'from these men.' Charles was checked by this suggestion, and made some attempt to soften his expressions. But the mischief was done.* 'I shall see them

* Berkeley had said before this ill-fated conference, that never had a lost sceptre been tended again on terms so favourable.—30-35.

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'glad, ere long,' said the king, 'to accept of more 'equal terms.' Neither party, he imagined, could be successful without his influence, and so he had persuaded himself that it pertained to him to dictate the terms of success on either hand. Colonel Rainsborough left this conference with royalty in deep disgust. He made a faithful report to the army of the high and sharp terms in which his majesty had spoken. From this time, in consequence, all the attempts of the officers in favour of any negotiation that should include the restoration of the captive monarch, only served to bring upon themselves suspicion and resentment from the adjutators, and from the great body of the men.*

The speaker and the Independent members go to the army.

We have seen how the mobs of the capital extorted the required votes from the commons on Monday, the twenty-sixth of June. On the following Thursday, the speakers of both houses, with about fourteen lords and one hundred commoners, left the city; and two days later, placed themselves under the protection of the army on Hounslow Heath. Little authority attached to the remnant of the two houses which remained at Westminster. Memorials were addressed from the city, and from many parts of the country, to the officers and the army as to the supreme power. Even now, the force in the capital was more numerous than the army approaching it. But the advancing army consisted of Cromwell's Ironsides, and was virtually led by him. On the seventh of August several regiments passed through London without the slightest appearance of opposition or disorder. The two houses reassembled. Fairfax received their thanks, and accepted from the hands of lords and commons the office of constable of the Tower.†

The army enter the city.

Charles will not negotiate—

During the next two months great effort was made by Cromwell to bring the officers and adjutators, and

* Rushworth, vii. 731-739. Ludlow, i. 173-177. Berkeley, 28-35.
† Rushworth, vii. 750, 751. Whitelocke, 265, 266.

the lords and commons, to such terms as might be expected to obtain the approval of the king. But Charles still indulged the hope of obtaining military aid from Ireland and from Scotland, and of seeing the scattered royalists collected once more under his standard. His intrigues with all these parties had led to some definite plans of action, when they were detected by Cromwell, and by his son-in-law, Ireton, who, at their next meeting with Ashburnham, expressed strong indignation at the perfidy which they had discovered in his master. The king, they said, had been allowed free communication with his friends, and this was the use he had made of that liberty. It had been his majesty's proposal that the army should renew negotiations with him; and its leaders, at much hazard to their reputation, had endeavoured to serve him, and these plottings for their destruction were the return made to them. Ashburnham, in his narrative, affects to treat these accusations as inventions. But that they were well founded, is manifest from Clarendon, and from other sources.*

Would renew the war.

* Baillie says at this juncture, 'If the king be willing to ratify our covenant, we are all as one man to restore him to all his rights, or die by the way.' *Letters*, ii. 260. Ashburnham, 94, 95. Clarendon, *Hist.* v. 476-479. *State Papers*, 70-72. Rushworth, vii. 795. Burnet's *Hamiltons*, 324. Berkeley, 48 et seq. There is good reason to believe that the particulars mentioned in the text were not the worst that belong to this interval. According to lord Broghil, Cromwell and Ireton agreed in stating, that with the assistance of a spy in the king's bedchamber, they succeeded in discovering a letter sent to Henrietta, in which, to lessen her displeasure on account of his reported concessions to those persons and to the army, his majesty assured her that he should 'know in due time how to deal with the rogues, who, instead of a silken garter, should be fitted with a hempen cord.' Cromwell and Ireton, according to Broghil's account, disguised themselves as troopers, and found the letter concealed in a saddle at the Blue Boar, in Holborn.—Morris's *Life of Orrery, Orrery State Papers.* Some have questioned the truth of this statement, from the circumstance that Cromwell made no public use of it. But he had gone so far in his effort to bring the sovereign to some terms, as to have fallen under suspicion and heavy censure among the more violent portion of the army. It is easy to imagine that on this, or on some other ground, he might have accounted it prudent to be silent on this point. The language cited is precisely such as we can suppose

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Menacing temper growing in the army.

Charles soon felt the ill effects of this conduct. The spirit of the army became daily less manageable. The adjutators were heard to change their discourse, and to complain openly of the king, and of the 'malignants' allowed to be about him. They had made their proposals, and in rejecting them the monarch had freed them from all obligation to concern themselves with his pretensions. It only remained that they should consult their own safety, and the public good. Those objects, it was argued, might be better secured by founding a commonwealth than by attempting to perpetuate a monarchical constitution. An appeal had been made to the sword. Providence had awarded power to their hands. It became them to use that power in making any change that might be expedient in the institutions of the country. According to Mrs. Hutchinson, 'men of just and sober principles, and of honest and religious ends,' so expressed themselves in this early stage of the republican movement. The men who placed themselves at the head of the more fervent malcontents in the army at this moment, were major Scot, and the colonels Ewer and Rainsborough; and their jealousy was especially directed against Cromwell, Ireton, and Vane, who were censured as having shown too much anxiety to make terms with the king.

'The Agreement of the People.'

On the first of November, the delegates of no less than sixteen regiments concurred in the adoption of a strongly democratic paper designated 'The Agreement of the People.' It seemed to be forgotten by the authors of this document that the people into whose hands they would have passed the powers of the state by means of a liberal franchise, were not republicans, and would be far from sending a majority of republicans to any assembly chosen to represent them. Cromwell and Ireton saw the error in these proceed-

Charles to have used in such circumstances. Lord Oxford assured lord Bolingbroke that he had seen the original.—*Richardsoniana*, 132. Coke, in his *Detection*, mentions the incident without the least doubt as to its reality.

ings, and did what they could to check them. That something might be ceded to the temper of this faction, the parliament agreed to deprive the crown of its negative voice on bills, after passing the lords and commons; and Cromwell so far yielded to the stream as to vote with the council of officers on a resolution which declared that there should be no further negotiation with the king.*

Military insubordination—The scene at Ware.

But these concessions did little to quell the rising spirit of insubordination. Sagacious men saw that if prompt measures were not taken to curb this feeling, all would be lost. The officers conferred together, and deputed some of the more sober men to use their influence with different regiments, in the hope of bringing them to more moderate views. Several places of rendezvous were appointed. Ware, in Hertfordshire, was one of them. One brigade only had received orders to be present on that day. But two regiments not included in it made their appearance. The general began by reading to each regiment a remonstrance which had been agreed upon by a council of officers; and addressed the men in such terms as called forth loud applause, and all seemed to join in the pledge 'to adhere to the general'—notwithstanding the efforts made by Scot, Ewer, and others, to raise a cry in favour of the 'Agreement of the People.' The two regiments present without orders were the regiments commanded by Harrison and Lilburne, long known, particularly the latter, as the most mutinous in the army. Harrison's regiment appeared with a motto in their hats, 'England's freedom and soldiers' 'rights.' But they were prevailed on by the general to promise obedience, and to destroy the mottoes. Cromwell now rode up to Lilburne's regiment, and

* Mrs. Hutchinson expresses herself fully satisfied as to Cromwell's sincerity in these proceedings.—*Mem.* i. 111. Ludlow, with his usual prejudice against Cromwell, is of another judgment.—*Mem.* i. 192, 193. Berkeley says the king distrusted the officers, particularly Cromwell and Ireton, because they would not accept favours from him.

called upon them to follow so good an example. But he called in vain. The moment required decision. A council of war took place upon the spot. Fourteen of the more daring among the mutineers were seized; three were condemned; and one of this number, chosen by lot, was instantly shot at the head of his regiment. Eleven were placed in the hands of the marshal, as a security for the obedience of the rest. So the boldest were intimidated, and discipline was restored. Clarendon's account of this scene is a piece of dramatic fiction. When seven regiments out of eight had promised obedience, it required no great courage to do what was done.*

The king's flight from Hampton Court.

Five days before the meeting at Ware, Charles had made his escape from Hampton Court. He had marked the change in the temper of the army. He knew that the officers who had shown most concern to treat with him had lost popularity by that policy. Ireton was excluded from the council of his colleagues. Cromwell was threatened with impeachment. Should the effort about to be made to restore subordination prove unsuccessful, not only his throne, but his life might be in danger.

But where should the distressed monarch seek an asylum? Many schemes were canvassed. His final resolution, formed probably under the influence of the parties who had connived at his escape, was to go to the Isle of Wight. Berkeley and Ashburnham have given interesting accounts of the wandering and vacillation of the king before he became again a prisoner, and was lodged in Carisbrook Castle.†

Four days subsequent to his landing in the Isle of Wight, Charles sent a message to the parliament, stating the reasons which prevented his assenting to the abolition of episcopacy, and to some other points which had been submitted to him. About the same

* Whitelocke, 280, 285, 286. Ludlow, i. 192, 193.

† Berkeley, 163-177. Ashburnham, 113-119. Ludlow, i. 185-190.

time Berkeley was sent to Windsor, the head quarters of the army, to ascertain from the officers whether, as they had subdued the spirit of the mutineers, they were now prepared to forward a settlement on the basis of their late propositions. But his communication was received in a manner which gave no promise of success. He inquired privately as to the cause of this marked change in the disposition of the military leaders. He was informed that though the mutineers had been curbed by the proceedings at Ware, more than two-thirds of the army had since found means to assure the officers that they adhered to the principles avowed in the 'Agreement of the People,' and that they would spare no efforts to bring their comrades generally to their views. It was added, that these communications, which had been made by one regiment after another, had so far influenced the more moderate men in the council of officers, that even Cromwell had confessed himself in fault in having gone so far in his endeavours to bring about a settlement between Charles and the army. It was also stated that the leaders in this disaffection were meditating bringing the king to trial, and many trembled to think what the issue might be.*

Hostility of the army to the king.

The parliament, in answer to the letter received from the king, prepared four bills for the royal assent, all the points of which were reasonable, if we except the one which required that the introduction of peers into the legislature should be dependent in future on the sanction of parliament. But it was ascertained that while these negotiations were pending, Charles had signed a secret treaty with the Scots, who, in the hope of crushing the Independents, had condescended to more moderate terms. The proposal of the king now was to make his escape from Carisbrook, and to place himself at the head of an army of covenanters and royalists on the borders of the two

The four bills—Secret treaty with the Scots.

* Berkeley, 179-184. Rushworth, vii. 880-883.

kingdoms. Full of such hopes, he rejected the four bills sent to him by the parliament. But the vigilance of his guards was not to be eluded. The king might correspond with his family and his partizans, but he remained a prisoner.*

No more addresses to be made to the king.

Parliament now decided that no further address should be made to the king. The army pledged itself to support the two houses in that resolution. All persons proposing any terms of agreement to the monarch, without consent of parliament, were declared guilty of high treason. The subjects of England and Scotland were held amenable to this law.

Popular feeling in his favour.

But while the feeling of the army and of the parliament was becoming thus hostile to the king, a strong sympathy with him in his suffering, and a disposition to make large concessions to his wounded spirit, were observable among the people. It was felt that hitherto, though the war had terminated, the objects for which it had been waged were but very partially secured. This deferring of long-cherished hopes, and not less the weight of the public burdens which continued to press on all classes, favoured a return of that instinctive sentiment of loyalty which is so prevalent and powerful a feeling under all old monarchical governments.†

The Scots will make war for the king.

In the meantime, Scotland was the scene of greater and more manifest excitement. The promise of the king to the commissioners at Carisbrook only granted an establishment to Presbyterianism for three years, reserving to himself, and to all persons, a right to dissent from it. The duke of Hamilton placed himself at the head of those who were willing to prose-

* *Lords' Journals*, ix. 575. King Charles's *Works*, 261-263. *Memoirs of the Hamiltons*, 330-334. Clarendon's *Hist.* v. 507-511. Herbert's *Mem.* 187. Ashburnham, 121-123. Berkeley, 79-91. Rushworth, vii. 984-1002.

† 'The king was more formidable this summer than in any other when he was followed by his strongest armies. The pity of the vulgar gave majesty to his person.'—May's *Breviary*, 143.

cute a war against the English sectaries, and to restore the king, on those terms. Large minorities in the estates, and among the clergy, protested against action on such conditions. The majority of the people denounced it as a defection.*

They enter England—Rising of the royalists.

The treaty at Carisbrook was signed in December. It was not until the following July that Hamilton crossed the borders with his army. During these six months the English royalists had spoken and acted with great fearlessness in many parts of the country. They possessed themselves of Pembroke Castle and Chepstow, and besieged Carnarvon. This insurrection, to which some eight thousand royalists stood committed, was suppressed by Cromwell. Fairfax was summoned to contend with one still more formidable in Kent, led on by 'more than twenty knights, 'esquires, and gentlemen of the county.'† Five ships of war at anchor off that county, declared themselves for the king, and choosing their own commander, sailed to the Hague in search of the young duke of York. Fairfax defeated a party of cavaliers at Maidstone. But Goring soon appeared with another body on Blackheath, and would have thrown himself on the aid of the king's friends in the city, had the authorities consented to open the gates. He then took possession of Colchester, which he defended with vigour, mainly in the hope of dividing the strength of the parliamentarians, and, by that means, of facilitating the advance of the army from Scotland.

Presbyterians in parliament—Popular excitement.

While the Independents were thus engaged in the field, the Presbyterians recovered their ascendancy in the senate. It was at this crisis that they succeeded in passing their memorable ordinance against blasphemy. Much discussion was raised concerning new proposals to be made to the king. Many petitions

* *Memoirs of the Hamiltons*, 339-353. Baillie, ii. 280 et seq. May's *Breviary*, 148, 149. Rushworth, vii. 1031 et seq.

† May's *Breviary*, 143-150.

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were presented, praying that his majesty might be brought back to London. Insurgent multitudes appeared in the capital, and in other places, whose cry was 'God and the king.' The parliament was so far controlled by this revived feeling of royalism, as to declare that the government by king, lords, and commons, should not be changed.*

Battle of Preston.

So unsettled was the state of England when it was rumoured that Hamilton had entered the kingdom at the head of thirty thousand men. His followers proved to be not quite two-thirds of that number. But they were joined by four thousand English royalists under Sir Marmaduke Langdale, and included a considerable body of experienced soldiers from the service in Ireland. The English army, under Cromwell and Lambert, did not much exceed seven thousand. The meeting between these forces was in the north of Lancashire. The royalists were vanquished, and chased from Darwen to Preston.†

Surrender of Colchester—true version of that event.

Ten days after the battle of Preston, the garrison of Colchester surrendered, having suffered more in holding that town than any body of men since the king raised his standard at Nottingham. The conditions were, that the privates should retire unmolested, but that the town should be subjected to a fine, and that the fate of the officers should be left to the discretion of the besiegers. Among the royalist leaders who became prisoners were Goring, Loughborough, lord Capel, Sir Charles Lucas, and Sir George Lisle. The exasperated feeling with which the parliamentarians entered on this second war, was such as had not been evinced by them through any stage of the first. Two years had passed since their trial of strength with the king had ended in making him a prisoner. The parlia-

* *Journals of the Lords*, x. 243 et seq. *Commons*, April, May, June, and July. Whitelocke, 299-310. Rushworth, 1016 et seq. May's *Breviary*, 142-148.

† *Mem. Hamiltons*, 355 et seq. Rushworth, vii. 1237, 1238, 1242. Lords' *Journals*, x. 455-458.

ment had become the supreme authority of the state. One of its acts declared that men found in arms in favour of the king should be accounted traitors, and have no claim to quarter. Colchester was besieged and taken by Fairfax. A court-martial decided that Sir Charles Lucas and Sir George Lisle should die; and they perished by military execution beneath the castle walls. Severe censure has been cast on the authors of this proceeding. Everything that could be said to deepen its criminality, and to throw an air of chivalry and romance about the sufferers, has been said, and said often, for that purpose. Without presuming to say that what was done was justly or wisely done, it will be a new thing in relation to this event to tell the whole truth concerning it.

Sir Charles Lucas was a native of Colchester, and connected with a family of some consideration in its neighbourhood. He was a soldier by vocation. In that capacity he had served under the prince of Orange in the Low Countries. He had fought at Marston Moor, and had been several times a prisoner, but by some unknown means had always contrived to recover his liberty. He was one of a class of men who brought the audacity, dissoluteness, and cruelty common among the mercenaries of the continent into the war which had grown up in this country. Mental culture he despised as proper only to men who were half women. He was especially at home in the stable or in the barrack-yard, in shooting, fencing, or wrestling. Muscular skill was the skill which he prized above all other. Troopers were his coveted companions, and he was never more in his element than in the thickest of the fight. 'At all other times and 'places,' says Clarendon, 'he was of a nature scarce to 'be lived with, of no good understanding, of a rough 'and proud humour, and of very morose conversation.' In his sensualities, he was low, unscrupulous, and brutal.

While lord Goring was endeavouring to lure men

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to his standard by every sort of falsehood at Bow. Lucas was following the same course at Chelmsford. Men were told that the cavaliers were mustering troops in great numbers in Norfolk and Suffolk; that Dover Castle and several other places of strength had fallen into their hands; and that the king himself was on ship-board in the Thames, waiting to place himself at the head of this new rising of his loyal subjects. Sir Charles knew these assertions to be false; and a report reaching him that a rising had taken place at Colchester, he succeeded in hurrying his followers off in that direction. On reaching the town, the rumour of a rising, like numberless others, proved to be untrue. The gates were closed against him. Fairfax was moving swiftly on his track. What was to be done? The townsmen were entreated to grant him admission. In pity they consented; but upon the explicit condition that the people and property of the place should suffer no injury.

No sooner was Lucas admitted than the town was given up to the licentiousness of the soldiers. Houses were plundered. Scenes the most revolting took place. Men were turned out of their dwellings that the troopers might the more readily gratify their passions. Lucas himself was in all these things. One woman who resisted his approaches, braved the pistol he presented to her breast rather than be dishonoured. The profligate was saved apparently from the deed he threatened, by the appearance of Goring, who called him off to urgent business. In the wildness of this rioting, houses—whole streets, were set on fire.

Fairfax summoned the town to surrender, 'How 'is your general?' said Goring to his messenger. 'We 'hear he has the gout. Be comforted, we mean soon 'to cure him of all his diseases.' To allay the impatience and discontent of the inhabitants, they were told by proclamation, that the Duke of York was hastening to their assistance with a large force from Holland. Fairfax had offered a free pardon to all the

privates and subordinate officers in the garrison. But every communication of that nature was concealed from the townsmen. What do these trumpeters come so often about? was the inquiry of many of the people. It is about a treaty, was the reply. They offer us fifty thousand pounds to allow them to move quietly away, but we do not mean to accept it.. So delusion was perpetuated, until one who was himself in the midst of the misery he describes, says, 'We had lived six weeks upon horse-flesh, three days without bread.' Fairfax, learning that his overtures were secreted by those to whom they were sent, shot a paper into the town, in which he reiterated his promise of pardon to all, with the exception of seven names, in which list was the name of Lucas. But it availed nothing. Lord Goring told those who complained, that there could be no reason in murmuring while horse-flesh was under tenpence a pound, and that if much pressed they might eat their own children. To beguile them, every sort of invention was circulated as to the means of deliverance which would soon be at hand. Meanwhile the destruction of property continued. Vice and cruelty were rife as at the beginning. Fairfax was admonished that if he sent them any more such messages they would hang the man that brought them. The men who indulged in this insolence kept their horses saddled hoping to escape by night. But the besiegers were too vigilant for them. By this vigilance their communication with the country was wholly prevented. Water failed them. Dog-flesh became food in place of horse-flesh. In the madness of their revenge they so far violated the laws of war as to poison their bullets, and to mix sand with their small shot.

But submission became inevitable. The lives of the garrison were spared according to promise. But no such promise was made to its chiefs. They must submit themselves to mercy, and await the judgment that should be pronounced upon their conduct. Sir

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George Lisle is said to have been the chief cause of burning the town, and to have shown himself a man bent on mischief. For years past no man among the royalists had been so obnoxious to the parliamentarians as lord Goring. The conduct of Lisle, in common with that of Lucas, must have been atrocious, to have made it possible that even Goring should have been spared rather than they. Both faced death before the castle-gate at Colchester as they had faced it in the field. 'Fire, rebels!' were the defiant words last heard from their lips. We may admire the courage of such men, but their claim upon our admiration begins and ends there. Happy the nation where men of such a type are so few as to be powerless.*

Presbyterian treaty of Newport.

The series of victories achieved by the parliamentarians during this summer, was such as only the bravest and most disciplined army in Europe could have realised. The Presbyterians in parliament were still hopeful. The king had everything to fear from the army, nothing more to hope from the cavaliers; and so, as they thought, his majesty must see that they had become his only refuge. Hence the vote of non-addresses was repealed, and what was called the treaty of Newport commenced.

The army will hear of no treaty, but of retribution.

But it now became evident, that the army, and the party which adhered to it in the city and elsewhere, had discarded the thought of any agreement with the king.† A petition was presented to the commons,

* See the tract intitled *Colchester's Teares.*—John Bellamy, Three Golden Lions, Cornhill, near the Exchange, 1648. *Bloody News from Colchester*, 1648. *A True and Perfect Relation of the Condition of those Noblemen and Gentlemen in Colchester, &c.* 1648. Fairfax *Correspondence*, iii. 36-59. *Short Memorial.* Rushworth, ii. 1240. The royalists at Oxford had sentenced colonel Windebank to be shot with much less reason: viz., for too readily surrendering Blechington House.

† In the end of a report made to the prince of Wales concerning the treaty of Newport, Charles gives the prince some excellent advice. 'To conclude, if God give you success, use it humbly, and far from revenge. If he restore you to your rights upon hard conditions, whatever you promise, keep. Do not think anything in the world worth obtaining by foul

from 'thousands of well-affected persons in and near London,' which, while it recognised the monarchy and the peerage, deprived them of nearly all their privileges, and prayed that the parliament 'would lay to 'heart the blood spilt, and the infinite spoil and havoc 'that had been made of peaceable, harmless people, by 'express commission from the king, and to consider 'whether an act of oblivion was likely *to satisfy the 'justice of God, and to appease his remaining wrath.*' Language of this grave description was common in the camp, and common in memorials presented from the regiments to their commanders. On the twentieth of November a remonstrance, adopted unanimously by the council of officers, was presented by a deputation from that body to the commons, and commended to the attention of the house by Fairfax, in which it was urged that the present treaty with the king should be abandoned; that judicial proceedings should be instituted against him on account of the evils chargeable upon him; that the monarchy should in future be elective; that parliaments should be annual or biennial; that the elective franchise should be more extended; and that the negative vote of the monarch on bills should cease.*

New effort of the Presbyterians to

The Presbyterian party opposed these demands with great earnestness, and on a division exhibited a large

or unjust means.'—Clarendon *Papers*, ii. 449. Had the conduct of Charles himself been regulated in any tolerable degree by such maxims, his place in history might have been something widely different from that which he now fills. But it would be easy to show that even in this treaty of Newport he was far from acting on the above instructions. In consenting to what was required by the parliament concerning the great seal, he says, 'This part of the propositions, we understood, *made not the grants under it valid, if they were not so before.*' The same sort of casuistry is confessed concerning Ormond, and the war in Ireland. See the papers in Clarendon, and Laing's *History of Scotland*, i. 368-373. It is in the nature of habit that it should not only become inveterate, but in a great degree involuntary and unconscious.

* Rushworth, vii. 1297, 1298, 311-1331. Whitelocke, 330-337. *Parl. Hist.* iii. 1077 et seq. Lords' *Journals*, 478 et seq. Clarendon *Papers*, ii. 425-429.

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majority. They knew the feeling of the country to be against such extreme measures, and they hoped, by a speedy agreement with the king, to bring confusion on the abettors of them. As in the eleventh hour, Charles consented, with still smaller modifications, to the propositions from the two houses. He did not agree, even at this crisis, to abolish episcopacy, or finally to alienate its wealth, but he allowed these questions to remain dependent on the pleasure of parliament. Charles, on parting from the commissioners, expressed his fear that what he had now done would prove to have been done too late. But the commons, after a debate of three days, declared his majesty's answer to be satisfactory by a majority of forty-six in a house of two hundred and twelve.*

treat with the king.

The army will not be governed by the parliament—Exclusion of members.

While the parliament was thus earnest in prosecuting a policy which was to be fatal to the intentions of the army, the army was not less active in preparing for the struggle which had thus become imminent. On the thirtieth of November the military leaders secured the removal of the king from Carisbrook to the more safe keeping of Hurst Castle. Two days later, the day on which the great debate in parliament began, Fairfax appeared at Whitehall, followed by several regiments, which he quartered in the neighbourhood. The day after that on which the Presbyterian majority had proclaimed their measure as carried, Skippon, who had now gone over to the Independents, discharged the city train-bands from acting as guard to the two houses, and supplied their place by a regiment of foot, under the command of colonel Pride, and a regiment of cavalry under colonel Rich. Soon after the speaker

* Evelyn's *Memoirs*, ii. App. 128. Herbert's *Mem.* 113-122. Whitelocke, 351-353. Clarendon *Papers*, ii. 449-454. *Parl. Hist.* iii. 1125-1240. Prynne published the speech which he delivered on this question, and states in the preface that the debate of the last day extended from Monday morning until nine o'clock on Tuesday morning, about 340 members being generally present during the day, that number having diminished to 244 during the night. Rushworth vii. 1341-1350.

had taken the chair, colonel Pride placed himself near the door of the lobby, for the purpose of delivering certain obnoxious members as they arrived, and others as they came out, into custody. The whole number of the members placed under restraint, on that or on the following day, was forty-seven; the number refused admission was ninety-six; and many others, after these proceedings seldom or never appeared in their places. The fragment of the national representation which remained was known afterwards by the name of the Rump Parliament. By this process the Presbyterian element in the commons was extinguished or made harmless.*

Cromwell's return from Edinburgh.

On the day following, Cromwell completed his march from Edinburgh to London. Had he been near, the proceedings of the military during the last week would no doubt have been attributed by our historians to his bold and subtle policy. In the royal apartments at Whitehall a congratulatory address was presented to him by the lower house, in acknowledgment of the eminent service which he had rendered to his country. The loud acclamations of the soldiers bespoke the restoration of confidence between them and their general. The small body of representatives now constituting the house of commons reversed all the late proceedings in favour of a treaty, and returned to the vote of non-addresses. The royalists were never so desperate. Assassination appears to have been extensively meditated. Rainsborough, an officer of great influence among the republicans in the army, was murdered by a party of cavaliers, who forced their way into his bedchamber. Great precaution was deemed necessary to protect the lives of others.†

The men now constituting the parliamentarian army

* Commons' *Journals*, Dec. 6, 7. Rushworth, vii. 1356-1369. *Parl. Hist.* iii. 1240-1249. Whitelocke, 354.

† Whitelocke, 335, 341, 355, 356. Commons' *Journals*, Dec. 8. Rushworth, vii. 1279, 1315, 1349, 1362.

Reasoning of the army.

said that they had made sacrifices, and incurred dangers, known only to themselves, in the hope of placing the civil and religious liberties of their country on a secure basis for themselves and posterity. In their judgment, the maxims and passions, both of the cavaliers and of the Presbyterians, were adverse to that object, and having the power to prevent either of those parties from becoming ascendant, they felt that it had become their high and sacred duty to adopt the measures expedient to that end. This conviction had led them to do what they had done in relation to the parliament; and it was this conviction which was prompting them to think of some decisive course that should free them for ever from dependence on the king.

But how was this object to be secured? The king, it was said, might be deposed, and made to spend his remaining days in captivity. But would royalists ever be at rest with royalty so doomed? In past times, rulers thus obnoxious had often been privately put out of the way. But the leaders of the army of the parliament were not men to descend to such deeds. Death by a judicial process, it was argued, would give the most emphatic expression to their own sense of rectitude, and would furnish a memorable lesson to rulers in all lands and through all time, on their accountableness both to God and to man. But the fact that no man who had committed himself against the king could venture to trust him, was the real source of the proceedings about to be originated.*

The act of the commons which gave existence to

* This distrust of the king was not confined to the men who were in arms against him. A royalist authority says—'I have heard it from the mouths of many worthy gentlemen, whose hap it was to serve him in the late wars, that they believed that had he conquered the parliament, he would have proved the greatest tyrant the nation ever had over them, and therefore they prayed still for a reconcilement between the parliament and him, but could never endure to hear he should conquer.'—Lilly's *Character of Charles I. in Sketches of the Reign of Charles I.*

the tribunal that should pronounce judgment on the conduct of the king, was followed by an ordinance which declared the conduct of Charles Stuart, in his having appeared in arms against the parliament, to be treason. The lords could not be induced to concur in this proceeding. Fairfax, who of late had been so much led by the judgment of others as rarely to have exercised his own, refused to act with his colleagues. Even Cromwell is said to have shown signs of hesitation.*

Commission instituted to try the king.

But on the twentieth of January the commissioners made their appearance in the part of Westminster Hall which had been prepared for their reception. The president of the court was John Bradshaw, sergeant-at-law. The commissioners, sixty-six in number, took their seats on either side of the chair, on

The trial. 1649.

* Rushworth, vii. 1370, 1373, 1379, 1380, 1382, 1387. Clarendon, vi. 226-7. It should be stated that petitions calling for such proceedings against the king, were sent from many parts of the country. Rushworth, vii. 1372, 1391, 1395 et alibi. Vane, St. John, and Algernon Sidney, were all of opinion that in the case of Charles I. an act of deposition would have been a penalty apportioned to the offence, that to go further was to do more than was required by justice or expediency. Yet who can read the account which Mrs. Hutchinson has given of the manner in which her husband proceeded to take the part chosen by him in this transaction, and not feel that even a regicide may have been honestly conscientious? 'As for Mr. Hutchinson,' writes this extraordinary woman, 'although he was very much confirmed in his judgment concerning the cause, yet being here called to an extraordinary action, whereof many were of several minds, he addressed himself to God by prayer, desiring the Lord that if through any human frailty he were led into any error or false opinion in those great transactions, he would open his eyes, and not suffer him to proceed; but that he would confirm his spirit in the truth, and lead him by a right, enlightened conscience: and finding no check, but a confirmation in his conscience that it was his duty to act as he did, he, upon serious debate, both privately and in his addresses to God, and in conferences with conscientious, upright, and unbiassed persons, proceeded to sign the sentence against the king. Although he did not then believe but it might one day come to be again disputed among men, yet both he and others thought they could not refuse it without giving up the people of God, whom they had led forth and engaged themselves unto by the oath of God into the hands of God's and their enemies, and therefore he cast himself upon God's protection.'—*Memoirs*, ii. 158.

benches overlaid with scarlet cloth, and raised slightly one above the other. Before the chair of the president was a table, upon which the mace and a sword were exhibited. At the end of the space between the opposite benches of the commissioners, and fronting the seat of the president, was a crimson velvet chair provided for the king. There was also a gallery to which spectators were admitted, and the distant parts and avenues of the court were crowded with soldiers and the populace. The commissioners consisted of members of the house of commons, officers of the army, and citizens of London.* The king had been removed from Hurst Castle to Windsor a month since, and he had there heard and witnessed enough to make it probable that scenes of this grave description were awaiting him.

Still, with his wonted confidence in the sacredness of his pretensions, the unhappy monarch had continued to persuade himself day by day that something would occur to prevent his case from passing to such extremity as now seemed to be before him.† But the Scots were not capable of rendering him any assistance. Ireland had always failed him. The continental states were wanting in inclination or in ability to do him service. While at home, his adherents were so scattered and subdued, that no help could come from them. The day of trial accordingly came, and Charles found himself defenceless and alone. On that day he was removed in a sedan chair from Whitehall to the house of Sir Robert Cotton, near the west end of Westminster Hall—King Street and Palace Yard being lined with military. His majesty's only attendant was Sir Thomas Herbert, who walked

* Rushworth, vii. 1395-1398.

† 'Letters from Windsor that the king was cheerful, and took no notice of any proceedings against him as to his trial, and with that he doubts not to see peace in England within six months; and in case of not being restored, to be righted from Denmark, Ireland, and other places.'—Whitelocke, Jan. 2. Herbert's *Mem.* 156, 157.—Leicester's *Journal*, 48.

uncovered by his side. At Cotton's house his majesty was received by a guard of soldiers under colonel Hacker; and, at the call of the sergeant-at-arms, was led to the door of the hall. He was then conducted to the chair provided for him. Presently he rose, still uncovered, and looked round on the court with an air which his judges regarded as expressive of contempt and defiance.

In the charge against him, Charles was described as a 'tyrant, traitor, murderer, and an implacable 'enemy to the commonwealth of England.' It was observed that a smile passed over the features of the king as he listened to these words. In proof of these accusations it was alleged that the prisoner had been entrusted with a power limited by law, and to be exercised for the good of the people of England, particularly for the preservation of their rights and liberties; that instead of so employing his authority, he had endeavoured by its means to introduce an absolute government, and to deprive the people of their only remedy against the evils of such government, provided in those fundamental principles of the constitution which declare their right to be convened in the persons of their representatives in frequent parliaments, and which determine the powers that should belong to such assemblies; and that the said Charles Stuart, in support of the power thus assumed to himself and family, and contrary to the interest and liberty of the people of England, had levied war on the parliament, and caused the blood of many thousands to be shed.*

The charge being read, the president called on the accused to answer. Charles refused to acknowledge the authority of the court. He denied that his judges sat by delegation from the parliament of England. They had not the concurrence of the crown, nor of

* Rushworth, vii. 1396-1398, 1415. Whitelocke, 365. Warwick's *Mem.* 367-369.

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the lords, in what they were doing. He could see no kind of legal authority in the power which had brought him to that place. Thus three days passed —the king objecting to the authority of the court, and the court refusing to take cognizance of such objections. The result was, that the court recorded his refusal to plead, and proceeded to the examination of evidence, that sentence might be pronounced though no defence had been heard.* Three more days were thus occupied. The king was then brought into court to hear its judgment. Charles now desired that he might be permitted, before sentence was pronounced, to address himself to the two houses, inasmuch as he had something to communicate to them which greatly concerned the peace and liberty of the kingdom. At the request of one of the commissioners, the court retired to consider this proposal; but returned in about half an hour, stating that 'what 'the king had proposed tended to delay; but if he 'would speak anything for himself in the court, before 'sentence, he might be heard.' Charles replied that he had nothing to say. Sentence was accordingly given.† It is hardly to be doubted that the great object of this proposal had been to gain time. We cannot imagine anything as likely to have been said to the parliament, which might not have been said with equal advantage in Westminster Hall.

The execution.

Throughout these trying scenes, Charles acquitted himself with a self-possession, and a natural dignity, which may well awaken our admiration and our sympathy. When the fatal summons was announced, he passed from the end of the gallery in Whitehall, to the floor of the scaffold, through an opening made in the wall. At some distance before him were the block, the axe, and the executioner in a mask. The platform was hung with black. Around it were several lines of

* Rushworth, vii. 1399-1415. Whitelocke, 365, 366.
† Ibid. 1416-1425. Ibid. 367, 368.

infantry and cavalry. In the space beyond was an immense crowd of spectators. From the distance to which the people were removed by the military the king could not address himself to them; but he delivered a short speech to those who were near him. He declared that he forgave all who were concerned in bringing him to such an end. He did not account the sentence passed upon him as approved by the parliament of England or by its people. He had not been without his faults, particularly in consenting to the death of Strafford; but he declared that the whole guilt of the late war rested with his opponents, and not with him. Before God, he could aver, it had never been his intention to encroach upon the privileges of parliament. But the people of England would never be happy until a king should be among them possessed of the powers which belong to him by law; until the church should be restored as in former days; nor until men should learn to admit that 'sovereign and subject are clean different things'—all government being a matter belonging to the former, and 'in nothing pertaining to the latter.' Having given expression to these sentiments—sentiments which show that to his last moments he could not understand the position proper to a constitutional sovereign—Charles conversed for a little with Juxon; then laid his neck upon the block, gave the appointed signal, and at one blow the head was severed from the body.*

Retrospect.

Such was the close of the struggle between Charles I. and that portion of his people who would not be governed according to his principles. The crisis in which the appeal was to the law, had been followed by a crisis in which appeal was to the sword, and this was the result. The men who called this tragic scene into existence were of two parties—the Independents, and the religious men allied with them, in whose case the religious motive was prominent; and the Repub-

* Rushworth, vii. 1428, 1430. Herbert, 192, 193. Whitelocke, 369, 370. *Sketches of the Reign of Charles I.* 43 et seq.

licans, in whose mind the political motive, nurtured by ideas of patriotism derived from their admiration of the republics of antiquity, took precedence. But there were both Independents and Republicans who protested against this extreme policy; and among those who were in the beginning of this strife, there were none to suspect such an issue. The church, the peerage, the monarchy,—all are prostrate; the doom of the misguided king presenting the culminating point in this memorable series of reverses. Concession in time, and in good faith, might have prevented all this.

It should be confessed that the men who were now in possession of the supreme power were the men to whom it rightly pertained. The appeal had been to the sword, and the sword had declared in their favour. But their final proceedings against the king will ever be variously judged. The execution of the king may have been both an error and a crime; but the general policy of the men chargeable with that deed was on the whole rational and just. They were right in accounting Charles utterly untrustworthy. They were right in resisting the Presbyterians at Westminster quite as sternly as they had resisted the Cavaliers at Naseby. Not to have taken the latter course would have been a surrender of the liberty they had gained, a grave wrong to their country. As we have seen, the army under Fairfax and Cromwell did not consist of mercenaries, but of men prepared to return to their social relations the moment the liberties for which they had taken up arms should be secured. Power is now in their hands; and they are satisfied that it behoves them to retain it, until they can bring the Presbyterians on the one side, and the Royalists on the other, to such terms as may guarantee a reasonable measure of equal liberty to all parties.

But a revolution which has left so little from the past, is a change which must entail deep inquietude on the future. The successful power in such cases is

sure to include the seeds of division within itself; and the vanquished power is sure to be much too strong not to be aware of its strength, and too sensible to injury not to be disposed to make a new trial of that strength whenever circumstances may seem to promise a chance of success. As a rule, revolutions, to be safe and permanent, must be based on moderation, and on a manifest sense of right and humanity. To necessitate such extreme forms of change as we have now described, is to necessitate a long continuance of bitter disaffection, and almost to ensure the kind of reaction which seems for a while to undo all that has been done. What we want in the history of nations is growth; and growth is silent and gradual. But governments may become so bad as to resist all ordinary efforts towards improvement. Resistance in such cases becomes excess, and excess generates protracted disorganization and suffering.

BOOK XIII.

REPUBLICANS AND ROYALISTS.

CHAPTER I.

GOVERNMENT DURING THE COMMONWEALTH.

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The Commonwealth established.

NOT many days after the death of the king, the commons declared the monarchy and the house of lords abolished. A council of state, consisting of forty persons, was appointed to assume the government of the nation; and a new great seal was produced, and put in commission. An oath to be faithful to the parliament and people, was substituted in the place of the oath of allegiance and supremacy. The name of the King's Bench was changed into that of the Upper Bench. Six of the judges resigned their seats; six consented to act, on obtaining a declaration from the present legislature that no infringement should be made on the fundamental laws. Thus a commonwealth was established in the place of the ancient constitution.*

Ground on which it rested.

But this was not the act of the people of England. Not more than one-fifth of their number probably

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* *Parl. Hist.* iii. 1281, 1290. *Journals of the Commons.* Whitelocke, 371-374. Ludlow, i. 246, 247. The forty persons constituting the council of state included five peers—the earls of Denbigh, Walgrave, Pembroke, and Salisbury, and lord Grey of Wark; three were selected from the judges; Fairfax, Cromwell, and Skippon represented the army; the rest consisted of country gentlemen and others who were nearly all members of the existing parliament.

could be said to approve of what had been done.* The responsibility of these proceedings rested with the army, and with some fifty persons who occupied the place of the five hundred assembled as the commons of England in 1640. To give a little more apparent authority to its acts, the house invited some of the expelled members to return, and issued writs to those places where the influence of the government was most powerful requiring new elections. By this means the names of the members were raised to about one hundred and fifty. It should be added, that not more than half this number were regular in their attendance. But the military chiefs insisted on the wisdom and justice of their policy. In their view, the only choice before them was, between such a government, and the ascendancy of the Presbyterians and Royalists who would be sure to bring back the old civil wrongs and the old ecclesiastical intolerance.† The men who so expressed themselves were not insensible to the dangers which encircled them. But it was too late to be alarmed at difficulties. Retreat was no longer possible.

Its enemies and dangers.

Towards the old Royalists, whose desperate feeling was well understood, the government determined to

The Royalists.

* The council of state was required to express its approval of the course taken towards the late king. Nineteen only could be induced to do so—twenty-one refused. They would pledge themselves to be faithful to the present government, and no more. The parliament received this report with much displeasure; but on reflection, deemed it prudent to accept of service on such terms.—Commons' *Journals*. Godwin's *Commonwealth*, iii. 28. et seq. Six weeks after the death of the king, the mayor of London was required to proclaim the monarchy and peerage abolished, and the commonwealth as established. But his lordship refused, pleading conscientious objections. He was fined and removed. It was not until the 30th of May, four months after the origin of the commonwealth, that this ceremony took place, and it was observed then that some of the aldermen were absent, and that the populace showed strong signs of disaffection.—Whitelocke, 393, 394. Commons' *Journals*, vi. 133 et seq. The feeling in London was very much the feeling everywhere. It was manifest that the people generally were not with the new order of things.

† *Parl. Hist.* iii. 1292-1304.

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present an aspect of stern intimidation. Among the prisoners taken in the war of the last summer, and still in confinement, were the duke of Hamilton, commander of the Scotch army at Preston; and the earl of Holland, who had raised an insurrection in the capital. Lord Capel also, Goring earl of Norwich, and Sir John Owen, had been prisoners since the surrender of Colchester. The reader has seen, that, by an ordinance passed in prospect of that war, all these persons had become liable to prosecution on the charge of high treason, and all were now arraigned and condemned upon that charge in the high court of justice. The sentence passed on Holland, Capel, and Hamilton was confirmed by parliament. They perished on the scaffold. Goring was saved by the casting vote of the speaker; Owen escaped through the humane intercession of colonels Hutchinson and Ireton.*

This use of the high court of justice was by a government pledged to sustain the fundamental laws of the realm. The claim of the accused to be tried by their peers was, in the present state of things, unreasonable. But their demand to be tried by a jury was also resisted. It was assumed that a court competent to sit in judgment on the king, must be competent to pronounce a verdict on his adherents. The career of Holland had been always vacillating; and there had been much in the conduct of Hamilton to justify the resentment of his enemies; but the fate of Capel was one of the most melancholy incidents of the civil war. He was a person of considerable fortune, with a numerous family, and, until the beginning of this struggle, had no connexion with the court. But from that time he placed every private feeling in subordination to the service of the king, and he appears to have acquitted himself generally with a chivalrous integrity, gene-

* Whitelocke, 374-378. *State Trials*, iv. 1155-1250. Hutchinson, ii. 162-164. Ludlow, i. 247-249. Clarendon gives a different account of these proceedings, but it is full of errors.

rosity, and courage. But conspiracy against the commonwealth, it was said, would never be in want of a leader so long as lord Capel should be alive. The character which he had exhibited through life he sustained to the end.*

Restlessness in the army.

But if the treasonable temper of the Royalists was not to be repressed without such severities, it was no less certain that measures of this nature would be necessary in relation to the army, which still numbered nearly forty thousand men. The reader has seen that on the twentieth of January of this year, the day on which the king's trial commenced, the paper intitled 'The Agreement of the People,' was presented by Fairfax to the commons. It was brought before the house, not that it should pass into a law, but that its being sent through the country to receive signatures, and in that form to bespeak the sentiments of the people, might be with the sanction of that assembly. By this time, however, even the scheme of that paper did not carry the work of revolution far enough to satisfy an extreme class of politicians, both in the army and among the people.

John Lilburne.

These more daring innovators were greatly influenced at this juncture by the notorious John Lilburne—a man whose life became a conflict, by turns, with nearly all parties and persons. Lilburne insisted, that 'The Agreement of the People' had been approved by the officers, purely because they saw that it might be made to favour their own aggrandisement; and his warning, both to the army and to the nation, was, that they were about to fall under the power of an oligarchy more to be dreaded than the return of monarchy or episcopacy. Nothing could exceed the activity with which this man diffused his suspicions, in discourse and from the

* The only fault Capel had to confess to his chaplain on the scaffold was, the consent he had given to the death of Strafford. The government appears to have seen that it had gone far enough in this direction. Some fifteen capital delinquents still in its hands were subjected to less serious penalties.

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press. His views were of the most narrow description. His patriotism was little else than the natural form of his intense irritability and vulgar selfishness. But such were his ingenuities, and such were the fluency and burning fervour of his language, that the success which attended his labours, and those of his coadjutors, was extraordinary. The commonwealth seemed to be threatened with extinction almost before conscious of its existence. During four months it required the most decisive measures on the part of the commons, and all the promptitude and vigour which Fairfax and Cromwell could bring to the enterprise, to suppress the mutinous tendencies which betrayed themselves in different parts of the country.

It was not difficult to convict such a man as Lilburne of seditious practices. On that charge he was committed to the Tower, with several of his associates. This was on the twenty-ninth of March. On the seventh of June, Fairfax and Cromwell attended a grand dinner commemorative of their successes against the mutineers. The disaffected had evidently overrated their strength. Ardent men are always disposed to see their cause through the medium of their own passions.*

* Lilburne had served as a captain under Essex, and was taken prisoner in the affair at Brentford. In Oxford he was brought to trial on the charge of being found in arms against the king. He defended himself there with much force and spirit, but would probably have suffered death had not the parliament interposed with the threat of retaliation. This was in 1642. Three years later, Lilburne changed the sword for the pen, and engaged in a warm controversy with Prynne and the Presbyterians in defence of liberty of conscience, which brought him into many troubles, and led to his writing against the parliament with as much zeal as he had once shown in fighting against the king. In the year following, the charges he preferred against public men, declaring, among other things, that Manchester deserved to lose his head, were taken up by the house of lords, and he was sentenced to be fined 4000*l.* and to be confined seven years in the Tower. Under this sentence he petitioned the lower house, wrote to Cromwell and others, and, after a while, was released. But in a few weeks he was recommitted on the charges above mentioned.—*State Trials*, iv. 1269-1470. *Journals*, April 11, May 12, July 16, Sept. 11, Oct. 30. Whitelocke, 391. Milton, who had

Cromwell's expedition to Ireland.

The necessity of these exertions in England, was not a little irritating from the fact that the presence of the army was greatly needed in Ireland, and would soon probably be needed in Scotland, where the son of the late king had been proclaimed as Charles II. In Ireland, little more than the name of a government existed. Cromwell accepted the conduct of the war in that country with the office of lord lieutenant. His army consisted of 8000 foot, 4000 cavalry, and a formidable train of artillery. The only places which then held out for the parliament were Dublin and Derry. Confiding in such appearances, the duke of Ormond invited Charles to join his standard in that country. But the Protestants of Ireland, both English and Scots, were most of them decided Presbyterians, and the troops which the native Catholics could bring into the field were not only rabidly intolerant, but so poorly equipped as to make it certain that they would be speedily swept away by the swords of such men as the soldiers of the commonwealth. Charles naturally hesitated, and on hearing of Cromwell's expedition, decided at once against making his appearance in that quarter.

Cromwell cherished that resentment against the Catholic religion, which, as the natural consequence of the cruelties exercised by the professors of that faith, had become a feeling common to his countrymen. Recently that feeling had been made more intense by the atrocious massacre of the Irish Protestants. Cromwell, no doubt, gave full credit to the current reports as to the numbers said to have been destroyed, and as to the barbarities said to have been inflicted on them. In his judgment, no confidence could be placed in any promise or oath on the part of the foe with whom he had to deal. Nor could he depend on the Protestants in that

become Latin secretary to the commonwealth, could not be induced to touch Lilburne. He found a more fitting employment in replying to the *Eikon Basilike*, and in defending the republic against the learned Salmasius.

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country, who were all Episcopalians or Presbyterians. Moreover, as Charles II. had not accepted the invitation to Ireland, it was all but certain that he would soon be heard of as being by no means idle in Scotland. All these circumstances appear to have made Cromwell feel when he had passed St. George's Channel, that the work before him must be short and thorough. So to curb disaffection in Ireland, as to be soon free to face a new war north or south of the Tweed, was felt to be of the greatest moment.

Scenes at Drogheda and Wexford.

With this determination Cromwell commenced his memorable attack on Drogheda. The importance attached to that town had led Ormond, the royalist deputy, to put it into the best posture of defence, and to garrison it with between two and three thousand of his best troops. Cromwell, instead of allowing himself to be detained by the process of a siege, made a breach in the wall, and prepared to take the place by storm. In two assaults he saw his veterans repulsed. But the third onset, conducted by himself, was successful. His command was, that no quarter should be given to any who appeared with arms in their hands. The greater part of the garrison fell on that day, and of those who survived, many were put to death on the day following. Of a hundred and forty soldiers who retreated to a tower, and refused to surrender, the officers, and every tenth man among the privates, were put to death, and the remainder were sent as convicts to the plantations in Barbados. It is enough to believe thus much, without supposing that the slaughter extended in any stage of these proceedings to women and children.

The town of Wexford was defended by 2000 Catholic soldiers, and had become infamous from the part which it had taken in the late massacre. Its walls were scaled without difficulty, and its garrison put to the sword amidst cries of 'No quarter!' Many towns now opened their gates to the conquerors. The war commenced in September, and Cromwell returned to

England in the following March, leaving the scattered remnant of the disaffected to be watched or subdued by Ireton.*

Charles in Scotland.

With the intention of providing against danger from Scotland, an order had been issued by the parliament in January, requiring the presence of Cromwell in England. It was well known that Charles and the estates in Edinburgh were then in negotiation. This was what Cromwell had foreseen. The terms insisted on by the Scotch commissioners were that the young king should adopt the League and Covenant; that he should acknowledge the authority of all parliaments convened since the beginning of the civil war; that he should disavow the peace with the Irish Catholics; that he should promise never to tolerate the Catholic worship; and that he should consent to govern in all civil affairs through the medium of parliament, and in all ecclesiastical affairs with the concurrence of the kirk. Charles hesitated to comply with these terms. He hoped to see the rising of the Scotch royalists under Montrose so far successful as to procure better conditions. But that hope proved vain. On the eighteenth of May that chivalrous nobleman ended his career on the gallows at the market-

* In the several communications to the parliament concerning the slaughter at Drogheda, no mention is made of the death of any who were not found in arms; and the silence concerning the alleged slaughter of women and children by other authorities who had the best means of information, and no disposition to withhold such a fact—such, for example, as Castlehaven (*Mem.* 78-81)—is enough to justify a rejection of that assertion as untrue. We can suppose, however, that the barbarous fanaticism of Hugh Peters, the army chaplain, as expressed in the following passage, was not peculiar to him. 'Sir, the truth is, Drogheda is taken, 3362 of the enemy slain, and 63 of ours. Aston, the governor, killed, none spared. We have all Trym and Dundalk, and are marching on Kilkenny. I come now from giving thanks in the great church.'—Dublin, Sept. 15. 'Mr. Hugh Peters, the minister, arrived at Dublin, and at the beginning of the troubles in Ireland, had a brigade against the rebels, and came off with honour and victory.'—Whitelocke, 410, 411-430. Carte's *Ormond*, ii. 116. Ludlow, i. 253-270. Leland's *Ireland*, 349-363.

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cross in Edinburgh. Charles felt as much resentment as it was in his nature to feel when this news reached him. At length, in compliance with the tears of his mother, and with the advice of those about him, the king made the promises demanded from him, and took the oaths. He then embarked without delay, and after a voyage of some tediousness and hazard, landed in Scotland. But this was not before the last week in June.*

Retirement of Fairfax.

By this time the leaders of the commonwealth were in a condition to become the assailants. Fairfax now retires to private life, partly from alleged scruples of conscience, but much more, it is thought, through the influence of his lady, who had become a zealous Presbyterian royalist. The service in Scotland accordingly devolved on Cromwell.†

Cromwell's invasion of Scotland.

On passing the Tweed the English army were surprised to find the country everywhere laid waste, and the inhabitants fled. It was afterwards ascertained, that proclamations had been issued requiring the people, through the whole space between Berwick and Edinburgh, to remove or to destroy their substance, and to fly northward, on pain of losing their property and lives, and of falling under the anathema of the kirk. And, as though even these penalties were not likely to prove sufficiently alarming, it was given out that Cromwell was the very Apollyon of his age, that it was his manner to cut off the right hands of all

* Thurloe's *State Papers*, i. 147. Whitelocke, 424-447. Charles affected to condemn the efforts of Montrose, as made in opposition to his authority. —Balfour, iv. 24, 25.

† Ludlow, after his manner, describes Cromwell as insincere in his attempt to prevail on Fairfax to take this command.—*Mem.* i. 269, 270. But Mrs. Hutchinson, a more discriminating and a more generous enemy, expresses, on the authority of her husband, her conviction to the contrary.—ii. 170, 171. The remark of this noble woman on the conduct of Fairfax at this juncture, is very characteristic. 'This great man was then as immoveable by his friends, as pertinacious in obeying his wife, whereby he then died to all his former glory, and became the monument of his own name, which every day wore out.'

boys who were six years old, to destroy all males from sixteen to sixty, and to bore the breasts of women with hot irons.* The country, accordingly, was everywhere a desert. But by keeping near the coast, Cromwell obtained supplies of provisions from a fleet which sailed within sight of him. He found the Scottish army intrenched in an advantageous position between Edinburgh and Leith.

Policy of Leslie.

The policy of Leslie, the Scottish general, was to avail himself of his advantages, so as to exhaust the invaders by scarcity of provisions, fatigue, and sickness. During several weeks this purpose was acted upon with steadiness and effect. Sickness became prevalent in the English camp. Cromwell began to look on his diminished ranks with some apprehension. On the last day of August he commenced a retreat, in the hope of inducing the enemy to follow him, and intending, should that feint be unsuccessful, to fix his quarters in Dunbar. The ministers in Edinburgh, impatient of the presence of an enemy so execrated, and whose total overthrow they had prophesied with the greatest confidence, no sooner saw the sectaries striking their tents and moving southward, than they called loudly for an immediate abandonment of the timid policy which their general had thus far followed. Their influence prevailed. Leslie received instructions according to their wishes. The English army did not exceed 12,000 men. The Scots now following cautiously upon their rear amounted to nearly double that number. But many of the latter were men who had never seen war, while the former, both infantry and cavalry, consisted almost entirely of men to whom the battle-field was a familiar place. The Scots had sent forth detachments to seize upon the passes, and to make the expected retreat of the enemy towards Eng-

* 'As the army marched through some towns, poor women fell on their knees, begging that they would not burn their breasts before they destroyed them, and children begging to save their lives.'—Whitelocke, 447-454.

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land as disastrous as possible. Cromwell marched on the first day to Haddington. On the second to Dunbar. At this point Leslie pressed closely upon him, taking possession of the heights of Lammermuir on the right and left, while Cromwell spread his force over an open plain near Brocksmouth House. A formidable dyke still separated the armies from each other. The Scots looked on the foe beneath them as snared and taken.

Battle of Dunbar.

During the first day, which was the sabbath, both armies remained motionless. On the following morning the Scots began to descend towards the foot of the hill. Cromwell, who until that moment had been taking part in a prayer-meeting with the officers, watched this movement, and regarding it as indicating an intention to fight, exclaimed to Lambert, and the friends near him, 'The Lord hath delivered them into our hands!' Through that day, however, the dyke deterred either party from making the attack. But some hours before daybreak the next morning, Cromwell despatched a brigade to attempt the gaining of a pass at a short distance, through which a detachment might fall with advantage on the position of the enemy. By six o'clock this object was accomplished, and Cromwell, advancing with the main body of his army, placed himself in front of the enemy's cavalry. The Scots were seen in the act of coming to the charge, when the sun, hitherto obscured by a fog, suddenly burst forth, and chased away the vapours which had concealed the combatants in a great degree from each other. Cromwell, pointing to the bursting splendour, and the parting mist, shouted 'Now let God arise, and his enemies shall be scattered.' The charge of the Scots was made with spirit, but was met with so much order and firmness, especially by the infantry, that they presently began to give ground. The Scotch infantry no sooner saw the rout which began among the cavalry, than a panic seized them, and throwing away their arms, they fled in every

direction. Four thousand Scots fell on that day. Ten thousand were made prisoners. The victory of Dunbar opened the gates of Edinburgh to the Independents.*

In that city, Cromwell, we are told, debated earnestly with the ministers on some points of theology, and especially concerning liberty of conscience, and the liberty of lay preaching. But the movements of Charles, who was crowned with much ceremony at Scone, admonished the general that his work in the field was not done. On the last day in July, the young king marched from Stirling, at the head of a considerable army, with the intention of invading England, and of summoning the royalists south of the Tweed to his side.

Charles in England.

This movement seems to have taken Cromwell by surprise. So rapid too were the marches of the royalists that they succeeded in crossing the borders, and in reaching Worcester, without encountering an enemy. From that point Charles issued his proclamations, calling upon the nobility, gentry, and people, to join him. But though the army which he brought with him amounted to twelve thousand men, a few hundreds only evinced sufficient loyalty or courage to obey the call thus made upon them. In the meantime, Cromwell arrived with a force which had increased with every day's march since his entrance into England. The regiments under Lilburne, Harrison, and Lambert, hailed him with loud acclamations. The parliamentarians in the neighbourhood of Worcester were now much more numerous than the royalists, but several detachments were separated from the main body under Cromwell, by the windings of the Team, and by the Severn. It was this circumstance which disposed the king to give battle to the force commanded by Cromwell, on the east bank of the latter river, inasmuch as

* Old *Parl. Hist.* xix. 433-452. Balfour, iv. 97. Ludlow, i. 283, 284. Whitelocke, 455, 456. Carte's *Ormond*, i. 381. Hodgson's *Memoirs*.

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the bridge which had been thrown over it that morning made it probable that no other opportunity would be open for an attack on that division of the enemy apart from the rest. Cromwell had taken possession of a rising, undulated ground, called Red Hill, the higher ridge at the back of which was covered with Perrywood. Red Hill was about half a mile east of the city. The king brought all his available force to the conflict in that quarter.

Battle of Worcester.

The first attack of the royalists was on some newly-raised militia regiments. These troops had volunteered their services, and though they acquitted themselves with much credit before the close of the strife, they gave way under the first onset, leaving some of their guns in the hands of the enemy. Several regiments, more accustomed to such encounters, were now brought into action, and pressed with so much weight and steadiness on their opponents, that after a sharp conflict, maintained with various success, during more than four hours, the retreat of the royalists became general, and horse and foot began to seek the shelter of the city. Even there, their pursuers followed them, and the struggle so long sustained in the field was renewed in the streets. But victory had taken the side of the parliament. Charles, having given an example of courage worthy of the object for which he was contending, owed his escape through the north-east gate of the city to the generous effort of a small body of his adherents, who, to call off the attention of the enemy from that point, made a show of resistance in another. The unfortunate king, after many hair-breadth escapes, reached Shoreham, where he embarked in a coal-vessel, which bore him safely to the small town of Fecamp in France.*

Lilburne—his trial on his return

The battles of Dunbar and Worcester gave an increased splendour to the fame of Cromwell. But John

* Old *Parl. Hist.* xx. 40-45. Whitelocke, 458 et seq. Ludlow, i. 311-14. Boscobel, 14-22. Lingard, xi. 61 et seq.

Lilburne, and the mixed multitude of persons who may be described as his disciples, were not men to account any greatness really great which was not their own. In a few months after his commitment to the Tower in 1649, Lilburne obtained a verdict of not guilty from a jury, to the great mortification of his prosecutors. In 1652, a new offence placed him in their power. By a vote of parliament, he was required to pay a heavy fine, and was banished for life. In the following year he solicited Cromwell for permission to return, and receiving no answer, ventured to appear amidst his old associates. The sentence which banished him made this conduct felony. Petitions were presented in his favour by the London apprentices, and others. But the offender was placed a second time before a jury. All that was required to be proved in this case was, that the person at the bar was the John Lilburne who had been banished. But during five days Lilburne contrived to embarrass the proceedings of the court—so great was the skill of this man when bent upon making the best of a case. When obliged to plead, he protracted the trial to a late hour of the third day. Some thousands of his followers attended daily, many with arms for the purpose, it was rumoured, of attempting a rescue, should the verdict be unfavourable. Cromwell, who watched these proceedings with some anxiety, considered it prudent to have detachments of military in readiness to suppress disorder.

from banishment.

The chief arguments of the prisoner were, that the parliament which had banished him, consisting as it did of a house of commons only, could be no court of justice. The authority of that assembly, moreover, he maintained, had ceased naturally with the death of the late king. Nor could the sentence passed upon him be binding on the conscience of a jury, however valid the authority by which it had been pronounced, if in itself unjust; and whatever lawyers might say to the contrary, it pertained to an English jury to judge

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concerning the law of the cases submitted to it, and not merely concerning the facts. Englishmen were not to convict a brother Englishman, when to do so would be to expose him to a penalty which they knew to be unmerited. There was nothing very profound or satisfactory in some points of this reasoning; but the jury listened to the prisoner's defence through sixteen hours on the last day of the trial, and then pronounced a verdict of acquittal.*

This verdict, however, which called forth loud exultation from the crowd within and about the court, was not followed by the liberation of the popular favourite. On the ground of some seditious expressions which fell from him during his trial, he was remanded to the Tower, and it was resolved by the parliament that he should remain a prisoner during pleasure. The law warranted him in demanding a statement of the cause of his re-commitment, and that there should be an open trial of that cause. But this great safeguard of personal liberty was not ceded, on the plea that the misguided passions of the people made such a course incompatible with the safety of the government. Even the jurymen, after the evil example of former times, were questioned concerning their verdict, but do not appear to have been subjected to any penalty or restraint. Lilburne was removed from the Tower to Jersey. He obtained his release from Elizabeth Castle in that island in 1667, and died not long afterwards, ending his stormy career as a Quaker. His history reveals more concerning the state of political feeling among the people in his time than we should otherwise have known.†

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* *State Trials*, v. 407-450.

† It is now well known that a large party among the Levellers, with the inconsistency to be expected from such men, were in busy communication with the friends of the king, and Lilburne himself seems to have been disposed to favour intrigue in that direction.—Old *Parl. Hist.* xix. 193; *A Discourse between John Lilburne and Hugh Peters*, 8. It was well for the army and the parliament that they had triumphed in the field. The

The 'Engagement' and the Presbyterians.

In the opening of 1650, the parliament decreed that every man in England above seventeen years of age, should promise to be faithful to the commonwealth, on pain of not being allowed to maintain any action at law. Such a demand could hardly have been made by such men, except under a strong sense of danger. This pledge was called the 'Engagement.' It gave lasting umbrage to the Presbyterians. At that time, Charles had unfurled his standard in Scotland; and the royalists in England, small as was the effort made by them when the crisis arrived, were more or less associated in every district of the country, for the purpose of assisting in the expected enterprise. The secret correspondence relating to those organizations was passing into the hands of the government. Colonel Andrews and Captain Benson suffered death, as parties to these conspiracies, and others were sentenced to minor penalties.*

Disaffection of the Presbyterians.

But the disaffection of the old royalists was not so difficult to suppress as that of the new. The latter included the great majority of the Presbyterians in both kingdoms. These parties had never contemplated the fall of the monarchy. Still less the fall of the Covenant. To them the oath of fidelity to the existing government was more exceptionable than even to the cavaliers. They refused to observe the days of fasting or thanksgiving appointed by authority. They refused, contrary to the custom of the age, to read the ordinances of parliament from the pulpit. The most active of this party were known to be in communication with the Scots, and desirous of seeing those plans realized which were to be frustrated by the battle of Worcester. Even Baxter denounced the invasion of

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chief effect of Lilburne's triumph at the bar, was to necessitate more stringent measures than would otherwise have been resorted to on the part of the government.

* Milton's *State Papers*, 33-57. Leicester's *Journal*, 97 et seq. *State Trials*, v. 1-42. Whitelocke, 486.

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Scotland, though it was clear that Charles was meditating an invasion of England.*

Expostulation of the parliament with the Presbyterians.

In attempting to curb this waywardness, the parliament mixed caution with firmness. Persons were appointed to negotiate with the malcontents, and to assure them of the protection of the government, and of the security of their preferments, on condition of their agreeing to abstain from meddling with affairs of state. But it was added, that such of them as should persist in vilifying the civil power from the pulpit, would be left to the judgment of a committee empowered to deprive them of their livings. As the Scots encouraged these disorders, the parliament addressed a remonstrance to their erring brethren in both nations, complaining of the unreasonableness and injustice which made the proscription of every form of ecclesiastical polity except their own an indispensable condition of their friendship. 'But we are still 'determined,' they say, 'not to be discouraged in our 'endeavours to promote the purity of religion and the 'liberty of the commonwealth, and for the satisfac- 'tion of our Presbyterian brethren, we declare that 'we will continue all those ordinances which have 'been made for the promotion of a reformation of 'religion, in doctrine, worship, and discipline in their 'full force, and will uphold the same in order to

* 'From Shrewsbury. The ministers preach much against the present government to encourage the people to sedition and to rise for the king. On the day of the public fast kept in one of their churches, there was a mock fast kept in the other two churches by agreement of ministers, and two sermons preached in them purposely to disturb the fast enjoined by authority.' 'Letters from Chester—of the ministers in that county exclaiming against the engagement, and condemning all that take it to the pit of hell.' 'From Newcastle. The taking of the engagement sticks most with the Presbyterians, who pretend conscience to oppose it, but the cavaliers, in policy, subscribe it.' 'The clergy of Scotland have procured strict order from the commissioners of the states for the prosecution of sectaries, and have a great arbitrary power in proceeding against them, and they are purged out of the army as well as the malignants.'—Whitelocke, Jan. 22, March 4, 5, 1649; April, 1650.

'suppress popery, superstition, blasphemy, and all 'kinds of profaneness. Only we conceive ourselves 'obliged to take away all such acts and ordinances *as* '*are penal in matters of conscience.* And because *this* '*has given so much offence,* we declare, as in the 'presence of God, that by whomsoever this liberty 'shall be abused, we will be ready to justify our dis-'pleasure against them by an effectual prosecution of 'such offenders.'* In the hope of soothing these infallible theologians still further, it was resolved that the dean and chapter lands, excepting those of Christ Church, Oxford, and of the great public schools, should be sold, and that the money obtained from that source, and from the sale of the bishops' lands in 1646, should be applied to the augmentation of poor livings. Presbyterianism was to be the established ecclesiastical polity; and the law relating to tithes was not to be disturbed until an equivalent equally certain should be provided in the place of them. Still, the Independents were to be tolerated through the nation, in the universities, and even in the establishment itself. But this last stretch of liberality was deemed a grand delinquency in the bearers of the civil sword; and allied as it was with preferences hostile to monarchy, it was sufficient to keep a formidable number of the English covenanters in a state of avowed disaffection. It followed, as a consequence, that ministers of the Independent persuasion were placed in greater prominence by the government than they would otherwise have been. And the Presbyterians not only saw those hated sectaries officiating as ministers in parochial churches, but, what was to them still more irritating, saw them raised to the chief places of trust and honour in the universities.†

Toleration of the Independents the great sin.

The blow, however, which especially humbled this proud aristocracy was the execution of Love, one of

Execution of Love.

* *Parl. Hist.* iii. 1324.

† Neal, iv. 8, 25. Orme's *Life of Owen*, 132-135, 167-187.

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their popular preachers. Love was proved to have been in treasonable communication with the king's party. The parliament deferred the execution of the sentence passed upon him; and after a while, left the matter to the judgment of Cromwell, who was then in Scotland. The general, by remaining silent until the day appointed for the execution, allowed the sentence passed to take its course. It is not easy to imagine the amazement and indignation with which this proceeding was regarded by the Presbyterians. Laud had perished on the same block; and it now became manifest, that 'painful preachers' were not to parley with treason, any more than popish prelates.*

Policy of Cromwell.

The time was now at hand in which the genius of Cromwell would be especially required, if these and other tendencies towards disorder were to be effectually restrained. Cromwell had aimed to strengthen a democratic feeling both in the army and elsewhere. But he had lived to see that feeling run into excess. His having stimulated it at one time, and restrained it at another, has been described as an inconsistency, and as betraying a covert and unprincipled ambition. Democracy, it has been said, was the ladder by which he rose, and which he kicked away when it had served its purpose. But enough has been stated to show, that the conduct of Cromwell to this time may be explained on grounds which do not necessarily involve so grave an impeachment.

Cromwell's judgment through life appears to have been, that all theories of government have their value, not as theories, but from their adaptation to the character of the communities supposed to adopt them. Hence, instead of concluding with the small knot of republicans at Westminster, that a polity which did not obtain the suffrages of more than one-fifth of the

* *State Trials*, v. 48 et seq. Milton's *Papers*, 50-76. Whitelocke, 470-474.

people of England, could take with it the prospect of permanence, he appears to have been anxious, that so soon as such a project might be found practicable, there should be some new settlement of state power more likely to last, from its being more in accordance with the prevalent feeling and opinion. We are not concerned to show that Cromwell did not know how to conceal or how to exaggerate his impressions, under the influence of the exigencies with which his course was so often beset. But we are satisfied that much in his conduct which it has been common to attribute to hypocrisy or ambition, may be fairly ascribed to those larger and firmer views of social policy which were to give to his mind the high place it now fills in the page of history.

Cromwell and the parliament.

It was natural, in this view, that Cromwell should be concerned to bring the present fragment of a parliament to fix on a time when its power should cease, and when another should be convened on some well-considered principle of representation. In the autumn of 1648 he had pressed this subject on the attention of the house; and in the spring of the following year a committee was appointed to take it into deliberation. But the battle of Worcester came, nearly two years and a half later, and nothing was done on this question by committee or parliament, except so far as to determine that the new assembly should consist of four hundred members, and that the present members should all be returned for the places they now represented. In November 1651, it was decided by a large majority that the existing parliament should cease in November 1654. Cromwell with difficulty brought the house to this decision. His conduct in so doing was regarded by the parliamentary leaders as betraying distrust. In their turn, they evinced a similar jealousy of the commander-in-chief by making large reductions in the army. In the summer of 1652, Cromwell interposed to prevent these retrenchments from extending further than might comport with his plans, and

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the house consented to stay its hand for the present.* The crisis between that body and Cromwell was now approaching. To judge wisely concerning the merits of this disagreement, the exact social position of both the parties should be considered.

Position of the parliament.

The house which had consisted of five hundred members in 1640, had been greatly diminished by deaths, and by the withdrawal of the royalists, when it was reduced by the coercion of the military, a few weeks before the trial of the king, to little more than fifty persons. No one could pretend that the selection of members then made by the officers, or the additions afterwards made to them by the same power, constituted such an assembly as might with any fairness be described as an English parliament. It was an authority existing, not as the effect of any expression of feeling in its favour by the country, but purely as the creature of the army. In many of the departments of government it had acquitted itself with a high degree of sagacity, assiduity, and courage. But its difficulties had been great, and it must be confessed that its infirmities had kept pace with them. The demands of its supporters throughout the country had respect to reforms of many kinds—reforms in the law, that it might become more simple and less costly; reforms in religion, that satisfaction might be given to the Presbyterians, and that there should be liberty of conscience; reforms in the parliament itself, that the administration in all things might be made more speedy and more pure. The house had been slow to move in obedience to these demands. When it did so, its deliberations on one point after another were almost incredibly protracted, and were almost sure to end in nothing. So much promise and so little performance wearied the patience of the most forbearing. Meanwhile, some of their number who were once poor

* *Journals*, Nov. 4, 14-27; Feb. 24; Oct. 2, 7; Dec. 19, 1651. June 5, 15; Aug. 12, 13, 1652. Whitelocke.

had grown suspiciously rich. The charges of personal corruption were commonly made, and very generally believed. And the act which not only secured to the present members their seats in the next parliament, but made them the sole judges concerning the returns that should be made to it, seemed to justify their opponents in respect to some of the gravest accusations preferred against them. Honourable men, like Sir Harry Vane, no doubt persuaded themselves that the perpetuity of their influence was indispensable to the liberty and safety of the state. But the colleagues of such men were not all possessed with the same noble intentions; and the judgment generally formed of the house had respect to its average character, more than to the character of particular persons.

Position of Cromwell—his view at this juncture.

Cromwell, at the same time, and particularly since the battle of Worcester, was addressed from all quarters in language which proclaimed him a king in everything but the name. His personal conviction was, that a mixed constitution, with a monarchical power, would be the most acceptable and salutary form of government for the people of England. The fact that circumstances seemed to point to himself as the only person in whom the supreme power could be vested, in such a case, with any appearance of propriety or safety, may not have been without its influence upon him. But when he adopted means to ascertain the judgment of the more considerable persons near him concerning the best mode of realizing a policy of that kind, the result did not prove altogether gratifying. Cromwell conferred with Whitelocke on this subject—a man whose legal reputation would give weight to his opinion. Whitelocke's advice was, that the old constitution should be restored, with certain restrictions, and with Charles Stuart as king, his excellency retaining the second place of power in the state. On this imbecile scheme, it was natural to remark, that Charles Stuart could not be expected to forgive the man who had been a party to

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the death of his father.* Other conferences took place, in which the military men generally expressed themselves as wedded to a republic; the civilians, as more favourable to the restoration of a peerage, and of power in a single person. But those who were inclined to the single person always mentioned some one of the late king's family as the most eligible. Cromwell contented himself with saying, that a settlement with something of a monarchical principle in it would be much the most effectual, if it could be made to consist with a security for the liberties of the people as Englishmen and Christians.† With the officers so little disposed to favour any change, it is doubtful what course Cromwell would ultimately have taken toward the parliament, had not the conduct of that assembly furnished him with much stronger reasons for proceeding to the use of violence than had to this time existed.

Conferences between officers and members.

During the interval from the month of September, 1652, to the following April, there were frequent meetings between the leading officers and certain members of parliament, touching the provisions which should be made to convene a parliament consisting of persons friendly to those liberties which the war had been designed to secure. But those meetings did not prevent the adoption of several clauses by a committee of the house which the officers had strongly opposed, particularly one, which, under the designation of 'Neuters,' would have admitted the Presbyterians. 'We were 'bold to tell them,' says Cromwell, 'that none of that 'judgment, who had deserted this cause and interest, 'should have any power in parliament. We had as 'good deliver up our cause into the hands of any, as 'into the hands of such as have deserted us. It is 'one thing to love another in matters of religion, and

* Whitelocke's *Mem.* 523-526.

† Milton *Papers*, 106-114. *Parl. Hist.* iii. 1387, 1388. Whitelocke, 529.

'another so far to set him in the saddle as to command all his brethren.'*

Conference on the 19th of April.

On the evening of the nineteenth of April, a further conference took place on this point, and on some others, about twenty members of parliament being present. 'In the end,' says Cromwell, 'they told us they would 'take time for the consideration of those things until 'to-morrow; that they would sleep upon them, and 'consult some friends; and at parting one of the chief, 'and two or three more, told us they would endeavour 'to suspend further proceedings about the bill for a 'new representative until further conference, and upon 'this we had great satisfaction, and then went away 'late at night.'

'But the next morning,' continues Cromwell, 'while 'we were considering how to order that which we 'were further to offer to them, word was brought that 'the house was proceeding with all speed upon the 'new representative. We could not believe that such 'persons could act so unworthily, until a second and a 'third message came and informed us that the house 'had brought the bill near to an issue, leaving out 'things which had appeared all along, and passing it 'upon paper without engrossing, that it might be 'done with the more haste.'† This was Cromwell's statement, made on more than one public occasion afterward, the speaker appealing to many who were present as persons who could vouch for its accuracy. In fact, it was the determination of the majority of the house, on the morning of that twentieth of April, to pass the obnoxious bill, and then instantly to dissolve. Both these measures they hoped to see carried before the council of officers at Whitehall should become aware of their proceedings. In this manner the force of law would have been given to their plans, and any attempt to frustrate them by military action

Artifice of the parliament.

* *Parl. Hist.* iii. 1398.

† Milton *Papers*, 106-114. *Parl. Hist.* 1388-1399.

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would be rendered less probable. The effect of these proceedings was to show that the parliament was not inclined to dissolve at all, and that when obliged to take that course, it had determined to throw itself into the hands of the Presbyterians, and so to hazard, if not to insure, the return of Charles Stuart, rather than make the required concessions to Cromwell and the army.

Colonels Harrison and Ingoldsby happened to be in the house on the morning when this feat was to have been accomplished. The former despatched the latter to the general with tidings of what was doing, taking care in the meanwhile to prolong the debate, addressing himself in the language of mild and humble expostulation to the advocates of the measure, and pointing out the impolicy of their conduct. It was difficult to see by what means Cromwell could meet this combination of stratagem and courage on the part of his opponents. He suddenly left Whitehall, followed by a company of soldiers. Some persons may have conjectured, but no man knew the object of this movement. On entering the lobby of the house, his followers were told to remain at the door. Cromwell entered, and took his place on one of the upper benches. He wore on that day a suit of black, without ornament, and grey worsted stockings. He listened for some time to the discussion. But as the speaker was about to put the motion, he beckoned Colonel Harrison to him, and said in an under-tone, 'Now is the time: I must do it.' He then rose, and, removing his hat from his head, spoke for a short time to the question. As he proceeded he became impassioned. He began to indulge in violent language, charging the house with the denial of justice, with acts of oppression, with seeking to perpetuate their own power at the cost of the public interest, and, above all, with plotting at that moment to bring in the Presbyterians, men whom they knew, or should know, would lose no time in destroying the cause which they had so basely deserted.

How met by Cromwell.

The house is cleared.

Sir Peter Wentworth here rose, and protested against this sort of address, particularly as coming from a man who was indebted to that assembly for everything which distinguished him. Cromwell, on hearing this, darted from his place to the floor of the house, and placing his hat upon his head, exclaimed, 'Come, come, sir, I will put an end to your prating.' During some seconds he passed backwards and forwards, deeply agitated. He then stamped with his foot, and looking around him, cried out, 'You are no 'parliament! I say you are no parliament! Bring 'them in, bring them in!' The door immediately opened, and a colonel, with about twenty soldiers, descended and took their place by his side; others being left in the lobby and the stairs. Sir Harry Vane cried, indignantly, 'This is not honest. It is against morality and common honesty.' Cromwell instantly retorted. 'Sir Harry Vane! oh, Sir Harry Vane! The Lord 'deliver me from Sir Harry Vane. *He* might have pre-'vented this. But he is a juggler, and has not common 'honesty himself.' Passing his eye from one member to another he poured forth his censures. Turning to the guard, he commanded them to clear the house. Harrison laid his hands on the speaker, and forced him from the chair. Algernon Sidney, who sat next, was thrust from his place; and the members generally, about eighty in number, rose, on being pressed by the military, and moved towards the door. As Cromwell saw their backs turned, the possible consequences of this deed would seem to have flashed upon him. 'It is you,' he added, 'that have forced me to do this. I 'have sought the Lord day and night, that he would 'rather slay me than put me on doing this work.' To alderman Allen, this language sounded like that of a half-repentance, and he ventured to say that it was not too late even yet to retreat from what had been done. As if startled by the comment which seemed to be put upon his words, Cromwell, in the same breath, charged the alderman with dishonesty in his office as treasurer

of the navy, and gave him to the keeping of the guard. When the members disappeared, he looked upon the mace, and asked—'What shall be done with this bauble?' He then ordered it to be removed; commanded the doors to be locked; and, with the keys in his possession, returned to Whitehall.*

Ground of what was done.

Cromwell knew it was not well that England should be governed by the sword. He knew also that it would be vain to expect a satisfactory settlement of affairs from the authority which he had thus suppressed, or from the parliament which that assembly had been intent upon providing as its successor. It was his conviction that the helm of government would be safest in his own hands—safest, not only for his own interests, but for the interests of the nation. With this feeling he had seized the reins, and was resolved, for a season, to hold them fast. Such seems to have been the simple truth in this matter. Cromwell's judgment in this case was, we believe, a sound judgment. What he had done was substantially the right thing to do. In the country not a voice was raised against it.

The man who had done this deed was an Englishman, and one who knew Englishmen too well not to be aware that his own ascendancy would be of no long continuance unless sanctioned by the appearance of a parliamentary authority. But to have assembled a parliament in the manner prescribed by the ancient constitution, or according to any one of the schemes recently proposed, could not have led to any desirable result. It would have been to concentrate those elements in a parliament, which were in strong collision through the whole country. Cromwell must have seen his own destruction as not among the least probable consequences of such a measure. The course

* Whitelocke, 529. Ludlow, ii. 18-21. Burton's *Diary*, iii. 56, 98, 99, 209. *Perfect Politician*, 168, 169. Leicester's *Journal*, 139, 140. *Parl. Hist.* 1381, 1382, 1386.

which he adopted is not to be understood without bearing in mind the religious character which had become more than ever prominent in the army. It was resolved by the general and his council, to form a deliberative assembly, consisting of about one hundred and fifty persons, who were to be chosen by themselves from an extended list of names procured for the purpose from the different religious communities or churches, chiefly of the Independent and Baptist denominations. One hundred and twenty of the persons so chosen assembled. Cromwell vested them with supreme power, which they were to exercise through fifteen months. At the expiration of that term they were to resign their place to others. But their successors were to be chosen by themselves. The instrument which convened these persons was signed and sealed by the general and his officers. The parties constituting this 'Little Parliament,' as it was called, came from different parts of the kingdom, 'as near 'as might be proportionable to their payments to-'wards the public charge.' Cromwell assured them, in his speech, that many addresses had been received from the churches of God throughout the nation, approving of what had been done, and concluded by saying, 'I beseech you, have a care of the whole flock; 'and if the poorest Christian, the most mistaken Chris-'tian, shall desire to live peaceably under you, let him 'be protected.'*

The 'Little Parliament' convened.

When the new legislature assembled, its first proceeding was to implore the Divine influence upon its deliberations. This was done without the assistance of a chaplain. Many of the members had been accustomed to such exercises, and were called upon to lead the devotions of their colleagues by presenting a series of extempore addresses to the Deity. In this manner the business of the house commenced from day to day.

Its character.

* *Parl. Hist.* iii. 1390 et seq.

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Such proceedings have led many superficial persons to conclude that this parliament must have been composed almost entirely of illiterate fanatics. But the state of society in England at that time was such as had not existed before, and has not existed since. Whitelocke, writing concerning that assembly, says, 'It was much wondered at by some, that these gentlemen, many of them being persons of fortune and knowledge, would take upon them the supreme authority of the nation at this summons, and from those hands.'* No doubt the many persons of 'knowledge and fortune' adverted to, saw that their refusing to act when thus called upon, would not facilitate the convening of a more constitutional or desirable body of persons; and that when the spirit of revolution is abroad, honest men must abandon the hope of serving their country at all, who shall refuse to do so except in such company, and after such a manner, as shall be in all respects agreeable to them.

Its proceedings.

The objects to which this assembly applied itself were those great reforms which had been so much insisted on of late in petitions from the army and from other quarters, and on which the late parliament had debated much and concluded nothing. Among these objects, the most prominent related to some new arrangement with regard to tithes, and to church property generally. On this subject it was voted that the rights of advowson should cease, and that every parish should choose its own minister. Concerning tithes, though the report of a committee described them as the 'legal property' of their possessors, the house

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Mem. 532, 534. One of the members bore the name of Praise-God Barbon, which has been rendered Praise-God Barbones, and the name as thus played upon has been used to indicate that the parliament consisted of fanatics known by names of that description. If the reader will take the trouble to look at the series of names, he will find that they are as free from quaintness of this description and even of the most common scriptural names, as the same number taken at random from a modern house of peers would be found to be.

decided against that clause in the report by a majority of fifty-six to fifty-four. In the department of the law, nothing less than a new code was contemplated. A single volume was to be produced which should be more serviceable to the commonwealth than the existing libraries of statutes and precedents.* The Court of Chancery, the abuses of which seem to have been of the most shameful description, was declared to be an evil institute, which should be altogether abolished.

Hostility against it.

The wealthy classes interested in church patronage were alarmed. Enough, too, was done to provoke a bitter antagonism from those two formidable confederacies, the lawyers and the clergy. The men who had impeded all such measures in the late parliament were loud in their complaints. An established government must have been strong to have faced such opponents with impunity. Even the army was not left to be as it had been. But in attempting reduction in that quarter, these daring legislators lost their only means of strength. Such, however, was the purpose with which these measures were prosecuted, that an attempt of Cromwell himself to place a check on the proceedings of the assembly was without effect. There was, no doubt, weakness enough, and presumption enough, in the notion that the institutions of England might be revolutionized on such a scale by such an authority. But remembering the questions which had been uppermost during some while past, and the sharp discussions still current in relation to them, the fact that the

* In November, 1650, Whitelocke made a strong move in this direction, by urging that the law-books, the process, and the proceedings in the courts of justice, should all be translated and published in English. The lawyer enforced this topic in a long and very learned speech, and the house assented unanimously.—See the substance of the speech in the *Memorials*, 460 et seq. And in this instance, what was assented to was done, to the great relief of a law-ridden people. The tendency of lawyers and legislators is to allow bad laws to die rather than to rescind them. Of a large portion of our old law it has been truly said that it is not dead but sleepeth. Cromwell's first parliament did not share in this professional sensitiveness.

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debates of this reforming senate took a course of this description is by no means surprising.

The charge against this parliament was, that it meditated nothing less than an overthrow of the church, of the rights of property, and of the liberties of Englishmen. The reformers reminded their assailants that their vote against tithes had been joined with another in favour of an equivalent; and that the object avowed by the proposed reform of the law, was not to impair the rights of person and property, but to make them more secure. But explanation availed little. Cromwell saw that nothing could be done by means of this novel assembly. In the end, his friends included in it, prevailed on their colleagues to restore the mace—the instrument which gave them their power—to the hands of the lord-general. Cromwell does not appear to have been aware of this movement. But he accepted the event. About eighty of the members signed a document surrendering their authority into his hands. Nor did this proceeding, so welcome in many quarters, call forth any material expression of discontent.*

Cromwell becomes protector.

Only four days after the dissolution of this parliament, Cromwell was installed, with much ceremony, in Westminster Hall, as Lord Protector of the Commonwealth of England, Scotland, and Ireland, and of the dominions thereto belonging—and a paper,

Instrument of Government.

intitled an Instrument of Government, was read to him, which he swore to observe. This paper provided that the supreme legislative authority should be vested in the protector and a parliament; the parliament being called every three years, upon a

* Exact relation of the proceedings of the parliament, which began July 4, 1653. *Journals.* Goddard's *Diary*, 1-14. Old *Parl. Hist.* xx. 184 et seq. New *Parl. Hist.* iii. 1406 et seq. 1434 et seq. Baxter censures Cromwell severely for not standing by these courageous legislators. But Cromwell knew England better than Richard Baxter, and reserved his boldness for occasions on which it might be exercised to some purpose.—Baxter's *Life and Times*, Lib. i. Part. i. p. 70.

plan the same in effect with that set forth in the Triennial Bill; and all persons possessing real or personal property to the value of 200*l.*, were entitled to vote at elections—Catholics, and those who had borne arms against the parliament since 1641, excepted. It provided further, that the name of the protector should be used in all processes of law and government, in the manner in which the name of the king had been heretofore used; that his highness should be the fountain of all honour and magistracy; and that until the meeting of a new parliament, he should have power to raise money for the public defence, and to publish such ordinances as might be deemed necessary to the safety and welfare of the nation. But it was also declared in this document, that all bills passed by the parliament, should become laws at the expiration of twenty days, with or without the consent of the protector; that the office of protector should be elective on his decease—the right of election being vested in the members of the council; that the protector should not have the power of war or peace, nor the command of the forces, without the concurrence of the council and parliament; that the members of the council, who might not be fewer than thirteen, nor more than twenty, should be removed for misconduct only, and not without a vote to that effect by a joint committee of the council and parliament; that the appointment of the great officers of state should rest with the parliament; and that in the event of war, the representatives of the nation should be immediately assembled. The paper further recommended, that some less exceptionable provision should be made for the maintenance of the clergy; and contained, of course, the usual clause on liberty of conscience. In this instrument we can trace the result of Cromwell's conferences with influential persons during some while past. His conviction, he had said, was, that a settlement with something of a monarchical power in it would be most expedient. Such a settlement was now to be attempted.

CHAPTER II.

GOVERNMENT UNDER THE PROTECTORATE.

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Cromwell's second parliament.

THE parliament chosen according to the Instrument of Government, included a considerable body of Presbyterians, and some active Republicans. These parties, though much at issue with each other, were soon found to be united in their opposition to the new power which now became known under the revived name of the court.*

Its proceedings—Hostile to Cromwell.

Several articles of the Instrument, by virtue of which these four hundred members had been convened, were made the subject of debate. One motion in favour of the authority of the protector was lost. Cromwell reminded the house that while the minor articles of that paper were open to modification, there were four of its provisions which must be regarded as unalterable. These provisions were—that the government should be by a single person; that this person should possess the command of the militia, with the concurrence of the parliament when sitting; that no parliament should be perpetual; and that liberty of conscience should be granted to all men conducting themselves as peaceable members of the state. This communication was made in the Painted Chamber.

Subscription exacted from the members.

When the members returned to the house, a guard at the door required their signatures to a paper binding them to silence on the above articles. One-fourth declined resuming their seats upon such terms. But though many of the rigid Republicans withdrew, the

* *Parl. Hist.* iii. 1419-1426.

Presbyterians generally remained, and a majority of the three hundred proved to be the enemies of Cromwell. It was voted, indeed, that the government should be by a single person and a parliament, and that Cromwell should be that person. It was enacted also, that all new members should sign an approval of the four fundamental articles of the said Instrument. But having thus seemed to do, from its own choice, what had been forced upon it by the choice of another, the house began a debate which embraced an examination of all the remaining articles of the paper on which the new constitution was founded. They voted the protectorate elective, and not hereditary, by a majority of two hundred against sixty. They declared against all power in the protector and his council to issue ordinances between the sessions of parliament. They so far limited the negative voice of the protector on all bills affecting the four fundamental propositions of the new constitution, as to make it evident that they wished to place themselves in a position which should enable them to depose that functionary with safety, whenever the convenient season should arrive. In this manner did the opposition majority absorb the attention of the house from September to January. During this long interval nothing effectual was done towards aiding the revenue, though the government stated repeatedly that the last assessment was exhausted, and that it would be penniless until further supplies should be voted.

The Instrument of Government becomes an 'Act of Settlement.'

The forty-two articles of the Instrument were now increased to sixty. In this shape the document was intitled the 'Act of Settlement.' The power given by it to the parliament in the matter of supplies, was such as to enable that body to perpetuate its sittings to any extent consistent with a re-election at the close of every three years. In fact, this new representative assembly so far concentrated the action of the state within itself, that the single person at its head became an authority in little more than the name. So pal-

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pable was the nature of this conspiracy against the power of the protector, that it was declared, that this act, passed by a majority of one hundred and seven, against ninety-five, should become law without being submitted to him for approval. But this was to proceed too fast. From shame, or fear, that vote was rescinded the next day. Nor was this the only instance in which the rashness of these men exposed them to the mortification of retracing their steps.

Cromwell's just resentment.

It is not difficult to imagine the feeling with which this dilatory and unfriendly course of proceeding was regarded by the bold and ardent spirit of Cromwell. Nearly five months had now passed since this parliament had met. In all this space, not a single bill had been presented to the protector for his assent. It seems to have been secretly determined, that there should be no recognition of his authority in that form until the act should have passed which was to reduce it to an idle pageant. Indeed, the protector had not been favoured with the slightest communication from the house through all those months. Since the dissolution of the last parliament, the government had conducted its foreign affairs with vigour and success. Its domestic administration, too, had been characterized by assiduity and mildness. But to this time the parliament had refused it the power to raise the smallest sum toward defraying this necessary expenditure. The discussions which had taken place on this subject had only tended to show, that the opposition party were resolved so to use their power in regard to money bills, as to perpetuate the necessity of their own sitting.

Suicidal policy of his opponents.

What Cromwell had predicted as the consequence of opening the national representation to the Presbyterians had now happened. The majority of the members present were of that persuasion. Had they known how to conduct such an enterprise with success, they would have shown themselves more disposed to recall Charles Stuart, than to become good subjects of

the most sober commonwealth. Wearied by these delays, and seeing in these signs of disaffection an ungenerous return for the confidence he had exercised, Cromwell summoned the parliament before him on the earliest day the letter of the Instrument would allow, and, in a long speech, reminded the members of the matters in their conduct above mentioned, expressing his deep regret that so favourable an opportunity to establish a government equally removed from 'the extremes of monarchy on the one 'hand, and of democracy on the other,' had not been more wisely improved. He then concluded with saying, 'I think it my duty to tell you that it is not 'for the profit of these nations for you to continue 'here any longer, and therefore declare that I do dis- 'solve this parliament.' Cromwell added, that after he had stated to the house what parts of the Instrument were open to discussion, and what were to be considered unalterable, it did not, as he conceived, belong to him to interfere with their debates, though so long protracted. But he must inform them that while it had been their pleasure to occupy themselves with disputes concerning the abstract principles of government, he had himself been employed in detecting the conspiracies of Royalists and Levellers throughout the country, and these organizations he could demonstrate, had become so extended and formidable, through the supineness of the proper guardians of the state, as to have menaced, not only those nice matters of difference about which the house had been so long disputing, but the very existence of a popular government. In all this Cromwell exaggerated nothing.*

Parliament dissolved.

The feeling of discontent when this parliament was dissolved was more violent than had been exhibited since the death of the king. All parties looked to the

Great discontent—curbed by

* Goddard's *Diary*, 19-114. *Parl. Hist.* iii. 1428-1460. Ludlow, ii. 54, 59, 64-67. *Journals*, passim. Whitelocke, 582 et seq.

the protector.

expected fall of the usurper as preliminary to the accomplishment of their particular schemes. The Presbyterian courted the friendship of the Baptist, and the commonwealth-man dissembled his feud with the cavalier, in the hope of bringing ruin upon the man regarded as their common enemy. Nothing less formidable than that veteran army, the great body of which Cromwell still retained in firm allegiance to himself, and the direction of that army by his own promptitude and energy, could have saved the government from being speedily overpowered.*

Eighteen months without a parliament.

The ability and success with which the conspiracies both of republicans and royalists were traced and counteracted, gave an apparent stability to the government of the protector, at the moment when its fall had been widely and confidently predicted. The par-

* The conspiracies now on foot extended from Scotland through the greater part of England, but were crushed in nearly all places before they could break forth into action. Colonel Overton persuaded himself that three thousand of the army in Scotland would be found ready to join him in seizing the person of Monk and in marching into England. Harrison, Carew, Okey, Alured, Lawson, and Hacker, are mentioned as officers who were known to have attended meetings called to deliberate on similar schemes. With these also, the names of Henry Martin, Haslerig, and lord Grey of Groby, are associated. Cromwell tracked the movements of these parties, and caused them to be apprehended at the fitting moment. The men, deprived of their leaders, remained quiet.—Whitelocke, 600-602. Thurloe's *State Papers*, 35, 46, 55, 75, 147, 185, 197, 218-280; iii. 147, 148. Ludlow, i. 73-74. Overton was in communication with Charles; and the leading royalists, both on the continent and in England, were looking forward to the month of March for a general rising, particularly in Yorkshire, Shropshire, Nottinghamshire, Devon, and Wilts. Lord Wilmot, now earl of Rochester, came over to England in disguise; and the king, in company with Ormond, removed from Paris to Middleburgh in Holland, that he might be in readiness to embark for Hull, should his affairs assume a promising aspect. But Rochester, after a feeble attempt in Yorkshire, made his escape to Holland. A similar movement was conducted by Sir Joseph Wagstaff in Wiltshire with a similar result. None of the republican conspirators were brought to trial. Of the insurgent royalists, a few were executed, others suffered mitigated penalties.—Whitelocke, 182, 207, 220, 222, 304, 509. Ludlow, ii. 67-72. *State Trials*, v. 767-791. Hutchinson, ii. 212.

liament at its dissolution had not voted him the smallest supply, nor even empowered him to collect the ordinary revenue. Cromwell turned, of necessity, to the authority in that respect which the Instrument of government had given him, and proceeded to levy assessments, and to collect the revenue, with the assistance of his council. His demands, contrary to what was given out by his enemies, proved to be moderate, and were generally complied with. Having made it evident, through eighteen months, that he could sustain the whole power of the government, and raise the necessary supplies, without the assistance of parliament, the protector appears to have concluded that the time had come in which it would be expedient to convene another assembly under that name.

Third parliament.

But as the elections proceeded it became manifest that the feeling of disaffection to the existing government had increased since the last appeal of this nature had been made to the people. Every expedient was tried to influence these local contests in favour of the ruling power. The clauses of the Instrument which precluded so large a number of the discontented from appearing either as candidates or electors were strictly enforced. The more violent republicans were many of them put under restraint, particularly Vane and Ludlow. Military parade and authority were obtruded in many of the districts where the elections were conducted. But these precautions failed, in a majority of instances, to secure the object intended by them. It was determined, however, that a severe scrutiny should be instituted with regard to the successful candidates. Care was taken to obtain the best information concerning them. Nearly a hundred—a fourth of the number elected—were declared by the protector and his council to be ineligible, on political or moral grounds.*

Exclusion of the hundred.

* Ludlow, ii. 114-123. This writer's account of the proceedings of the government at this juncture is so impassioned as to require that it should be received with caution. Ludlow had been a party to the coercion of the

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Speech of the protector.

In his speech to the body which remained, Cromwell reminded them of the war in which this country was engaged with Spain, and of the enmity which that power had always manifested against everything Protestant and English. He spoke of Charles Stuart as soliciting aid in every direction in the hope of being able once more to raise his standard in England, and described the partizans of that pretender, including Cavaliers and Papists, as joined with Levellers and Fifth Monarchy men, in a common league of enmity against the existing government.*

Proceedings of the house.

The first question which engaged the attention of the house was one of some delicacy and importance. It related to the right of the council to act as a judge concerning the qualifications of members of parliament. It was not difficult to show, that whatever may have been the practice of the old constitution, a provision to this effect existed in the Instrument of Government; and upon a division which took place on this point, it became evident that at present the government could command a majority. The numbers were one hundred and twenty-five to twenty-nine. The debate, however, on this subject was conducted with much warmth. Some of the more passionate disputants were weak enough to resign their seats. There was also a remonstrance published by the parties excluded, in which they spoke with fearlessness and indignation of the course which had been pursued toward them. Cromwell allowed that matter to pass unnoticed.†

The earlier proceedings of this assembly were highly favourable to the objects which the protector had submitted to its consideration. Provisions were made for the greater safety of the person of the chief magis-

civil power by the military when colonel Pride performed that piece of service, but has no patience with the men who showed themselves disposed in the present case to follow his example.

* *Parl. Hist.* iii. 1434-1459. Ludlow, ii. 124. Thurloe, vi. 269, 317 et seq.

† Whitelocke, 640-643. *Parl. Hist.* iii. 1484-1487.

trate; the war with Spain was to be prosecuted vigorously; the Stuart family was solemnly renounced; and the sum of four hundred thousand pounds was voted for the use of the government. But months passed, and the house was still undecided as to the sources whence this sum should be obtained.

Still no supplies.

In the meanwhile, a question which was not new to the thoughts of Cromwell became a matter of discussion in that assemby, and of deep and various interest with the several parties throughout the nation. This question had respect to the restoration of monarchy in the person of the protector, and also of the 'other house of parliament.' It happened that a plot against the life of Cromwell was at this time detected; and a member recommended that the house should present an address to his highness, expressing gratitude for his preservation, and solicitude for his safety. This speaker was followed by another who ventured to say, that the thing necessary to give the best security to the person of the protector, and to the liberty and quiet of the nation, was, 'that his highness should be pleased 'to take upon him the government according to the 'ancient constitution.' In other words, that Cromwell should be proclaimed as king. The member who so spoke was Mr. Ashe, who is described as a 'grave and well-experienced person.' After a short but passionate discussion, it was concluded, that the matter should 'be seriously debated and a day appointed.'* Whitelocke, who, with most of the lawyers, was favourable to the proposed change, shrunk, with his usual timidity, from the responsibity of introducing a motion on the subject. Sir Christopher Pack, not long since mayor of London, was less scrupulous. But he had no sooner risen to propose reading a paper described as tending to the settlement of the country, than several of the military officers, suspecting the purport of the document, forced him from his place

Cromwell urged to assume the title of king.

The project is strongly opposed.

* Burton's *Diary*, i. 362-366.

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near the speaker down to the bar of the house. His friends interposed in his defence, and notwithstanding the violent conduct of his opponents, the paper was read.

Paper relating to it.

This paper was intitled, 'A Humble Address and 'Remonstrance of the knights, burgesses, and citizens 'assembled in parliament.' It denounced the military government, which, by the aid of its delegated chiefs under the name of major-generals, had extended its oppressions to every part of the country, and strongly urged that the protector should assume a higher title, and become the head of a government to be managed by the advice of two houses of parliament, according to ancient precedent. After much opposition from the officers generally, and from some leading persons besides, the substance of this paper was adopted. In its ultimate shape it was designated, 'The Humble Petition and Advice.'

Who were the malcontents.

While these discussions were in process, Cromwell remained silent. He knew, however, that the favour with which he was supposed to regard the projected change, had awakened jealousy and displeasure among some of his best friends. Among the chief malcontents were Desborough, who had married his sister; Fleetwood, who was the husband of his daughter; and General Lambert, whose military talents were second only to his own. Lambert had hitherto been faithful to him, but had been so, it was thought, with some expectation of being his successor in office.

Action of the officers.

In a council of the officers, the proposed return to the old constitution was condemned in the strongest terms, and a deputation of a hundred persons presented themselves to Cromwell, for the purpose of expressing their deep repugnance to any such proceeding. The protector reminded the body before him, that when they presented the Instrument of Government to him, not long since, they also presented him with the title of king. That title was to him a small matter. He felt no concern to possess it then, he felt as little now.

He complained that his life had been that of a drudge to the army, calling parliaments and dissolving them, after its fashion, and at its bidding. In conclusion, he remarked, 'It is time to come to a settlement, 'and to lay aside arbitrary proceedings, so unaccept-'able to the nation. By the proceedings of this par-'liament you see they stand in need of a check or 'balancing power. By their judicial power they fall 'upon life and member, and doth the Instrument 'enable me to control it?' The republican violence of some of the officers was 'quieted' by this speech, and it was found afterwards that many of them had 'fallen from the rest.' BOOK XIII CHAP. 2.

It is not to be doubted that Cromwell regarded the assumption of the new title as likely to conduce to the tranquillity and prosperity of the country, provided the army party, on which he was still almost entirely dependent, could be induced to concur in it. This we can believe to have been his impression on grounds wholly apart from his personal interest in the question. Had the army been unanimous, or nearly so, in favour of the proposed change, he would certainly have interpreted that event as an indication of the will of Providence, and would have acted accordingly. But the disunion among his friends filled him with perplexity. What circumstances made doubtful as a policy, Providence was supposed to discountenance as a principle. In his reply, accordingly, to those who tendered him this distinction, he declared that he did not find it in 'his duty to God and the country to accept the change 'of the government under the new title.' The parliament professed to be dissatisfied with this answer, and a committee was appointed to confer with his highness upon the subject. Cromwell favourable to the change. But gives a negative reply.

On meeting this committee Cromwell wished its members to say whether, supposing the office of pro- Meets the committee.

* Burton, i. 382-385. Thurloe, vi. 93-101.

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tector and sovereign to be in effect the same, it was really desirable to offend the prejudices of many worthy persons for a mere name. He also wished them to show how the restoration of this title could be made to appear consistent with fidelity to the cause which God had so signally blessed since appeal had been made to the sword in relation to it. The Scriptures, indeed, were in favour of a government by kingship; but it was no less certain that God had of late made his hand singularly visible against that office. The answers returned were such as Cromwell himself would have given had he been at liberty to express his real judgment. It was admitted that in his case the title of king would be little more than a name; but it would be when possessed by him, as it had always been in English history, a name of great significance and authority, tending to balance and harmonize the mixed elements which characterized the old constitution, and which were in the constitution because their counterpart existed in the nation. With regard to fidelity to the cause to which the parliament of England had pledged itself, Englishmen had not taken up arms against monarchy, but against certain abuses connected with it; and had it been otherwise, it might be shown that there was as much defection in appointing a single person at all, as in giving that person the title of king.

Cromwell disposed to assume the title.

The substance of this conference was published. Cromwell employed himself during some weeks in endeavouring to ascertain the real state of opinion on the question, particularly in those quarters to which he was obliged to look for his chief support. It was evident that the cause of the old constitution had lost nothing in the country generally by the discussions which had been thus elicited. At length it was pretty generally understood that the protector had decided on assuming the name along with the substance of sovereignty.

But it now became evident that the most formidable

republicans in the council of officers were not to be moved by argument or entreaty. The current, indeed, which was setting in towards monarchy, only served to give more ardour to resistance on the part of that class of politicians. Fleetwood, Desborough, and Lambert waited on Cromwell to assure him, that should he comply with the overture which had been made to him, their own names would be amongst those of the officers who would at once withdraw from all part in his proceedings. Cromwell now hesitated anew. Opposition in the house became more resolute. When nearly two months had been occupied with this agitating proposal, the protector sent for the parliament to Whitehall, and there delivered his final negative.* Great was the joy of the Royalists. And fitting was the reward which came in its season to the band of military bashaws under the name of republicans, who were allowed to control the better judgment of their chief.†

Dissuaded by the officers.

Retribution.

The settlement of this question was followed by Cromwell's second inauguration as Lord Protector—a ceremony which vied in splendour with a coronation. Nor was his establishment much inferior in its magnificence to those which had distinguished the palaces of England when occupied by her princes. If the name of protector was not to become lost in that of king, it

Cromwell's second inauguration as protector.

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* Burton, i. 397-416. Goddard, 148-192. *Mercurius Politicus*, No. 335. *Parl. Hist.* iii. 1491-1502.

† 'It was confidently believed that upon some addresses he had formerly made to some principal noblemen of the kingdom, and some friendly expostulation he had by himself, or through some friend with them, why they would have no acquaintance with him, the answer from them severally was, that if he would make himself king, they should easily know what they had to do; but they knew nothing of the obedience they were to pay to a protector, and that these returns first disposed him to that ambition. They who at that time exercised their thoughts with most sagacity, looked upon that refusal of his as an immediate act of Almighty God towards the king's restoration; and many of the soberest men in the nation confessed, after the king's return, that their dejected spirits were wonderfully raised by that infatuation of his.'—Clarendon, *Hist.* vii. 201-204.

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Restoration of the upper house, and other changes.

was a part of the new plan of government now adopted, that the house of peers should be in some sort restored. It was still the law that the office of protector should not be hereditary; but it was now ceded that the individual possessing that office should be empowered to name his successor. On the other hand, the representatives of the people were said to possess the sole right to judge concerning disputed elections. The persons qualified to sit in the 'other house,' as it was called, were restricted to those nominated by the chief magistrate, and approved by the two houses. The jurisdiction of the upper house was in several respects carefully limited, and the old usage of voting by proxy was abolished. The regulations concerning the appointment of the great officers of state, and liberty of conscience, were in substance the same with those of the former instrument. When the two houses met, the ceremony observed bore a near resemblance to the regal custom. Cromwell took his place beneath a superb canopy in the upper house, and received the two houses together as 'Lords, and Gentlemen of the house of commons.' Having spoken with more brevity than was his custom on such occasions, he called upon the lord-keeper to address them. Sixty persons had been summoned as peers. About fifty were present. But nearly the whole of these were persons whose patents were of recent origin, or had been conferred for the occasion.

Restoration of the hundred members.

The first act of the house of commons, was to give a retrospective interpretation to its newly-acquired right to judge concerning the due election of members, and to restore to their seats the hundred who had been excluded by the council of officers. The name of each absentee was called over, and all were invited to their place as members of the legislature. From that moment Cromwell must have seen that no concord was likely to subsist between himself and the present parliament. The hundred malcontents were of course more malcontent than ever. The applause with which

they were greeted as sufferers in the cause of the commonwealth served to make them even less modest than before in their bearing and utterances. At the head of this list of names were those of Haslerig and Scot, who were in fact the leaders of this party.

Hostility to the 'other house.'

It soon became manifest that the great aim of the opposition party in the commons was the destruction of this new upper house. Were they not themselves the representatives of the people, and as such the source of all legislative power? If there was to be another house, should it not pertain to the house of the people to create it? And could it be reasonable to expect that the commons should give existence either directly or through a protector, to a power which should take precedence of themselves?

Cromwell reasoned with these men. He set before them, with a sagacious foresight, the ruin which this contention about abstractions, and this rabid partizanship, must soon bring upon them if persisted in much longer. But he reasoned in vain. All other subjects were forgotten in the zeal with which the majority applied themselves to discussions relating to the title of the new senate, and to the rights that should belong to it. In brief, a plan was soon devised to secure an abolition, not only of the upper house, but of the protectorate; and so boldly was this project canvassed by certain members of the commons and officers of the army, that a petition in its favour was known to be handed about in the metropolis to obtain signatures.

Cromwell had much to fear at this time from the Royalists, who looked on these suicidal proceedings on the part of the Republicans and Presbyterians as promising a speedy triumph to their cause. Heavy arrears were also due to the army. To secure fidelity in that quarter, on which everything was depending, large supplies must be speedily obtained. No time was to be lost. Without disclosing his purpose to any man, Cromwell suddenly sent for the commons, reminded them of the hostile temper they had mani-

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Parliament dissolved.

fested, and of the intrigues in which many of them were known to be engaged; and having pronounced the words 'I do dissolve this parliament,' he added, 'let God judge between me and you.'*

Thus ended the last effort made by Cromwell to restore the constitution of his country. His enemies flattered themselves that what he had now done must make him especially odious, and hasten his fall, and they spared no pains to ensure the fulfilment of their own prophecy. But in all their paths of conspiracy their adversary met them, and proved himself strong enough to crush their many-headed antagonism.

Cromwell and his opponents.

It is not possible that a correct judgment should be formed with regard to the conduct of Cromwell in these proceedings, without a careful attention to the character and relations of the parties into which the nation was at that time divided. The Independents throughout the country were with Cromwell, and they were especially strong in the army, both among officers and men. Opposed to them were the Royalists, the Presbyterians, and the rigid Republicans, who were severally bent on establishing their respective schemes, all of which, either intrinsically, or from circumstances, were so many schemes of tyranny. Cromwell resisted all these combinations, partly by the aid of the minority throughout England who were attached to his rule, and especially by means of the army. The language of the protector in so doing was—The majority of the old adherents to the Stuarts are in no temper to be very considerate about the liberties of the country, either civil or religious, if once in a position to return to their old courses; the Presbyterians, for the greater part, have become indifferent to the great cause of civil right, and disposed to set up an ecclesiastical machinery not a whit less oppressive than that of Laud and his coadjutors, and would at once hail a Stuart king who should promise them power in that form; while the

Reasons of his policy.

* Burton's *Diary*, ii. 371 et seq. *Parl. Hist.* iii. 1523-1527.

Republicans, if in theory more favourable to freedom, being so small a minority, could not be expected to retain ascendancy for a month without resorting to the miserable hypocrisy of upholding the iron rule of a military oligarchy under the specious name of a commonwealth. Cromwell maintained accordingly, and with manifest justice, that for the present, an enlightened regard to the interest of the nation required that the most vigorous efforts should be made to prevent the complete success of any one of these parties, and to balance them against each other, so as to bring them at last to some common ground of settlement. His experiments in convening his several parliaments, were all designed to facilitate such an adjustment of differences by mutual concession as should be most in accordance, in the circumstances, with mutual right and duty. Unhappily, in his time, the enmities of the several factions were not to be so far controlled, either by reason or humanity, as to allow the country to realize the prosperity and greatness which it might have derived from his large and equitable policy.*

The source of those acts of despotism observable in the government of England during the protectorate, will be found mainly in the circumstances now mentioned. Cromwell, like most men who have risen to supreme power without being born to it, became an arbitrary ruler from the necessities of his position When his parliaments refused supplies, the salvation of the state depended on his extorting them by the sword. In the spring of 1655 he did not hesitate to place many of the leading nobility and gentry under arrest, until they should find bail for their peaceable

* The great idea with Ludlow, as with many more, was, 'That the nation should be governed by its own consent.' Cromwell replied, 'I am as much far governed by consent as any man; but where shall we find that consent? Among the Prelatical, Presbyterian, Independent, Anabaptist, or Levelling parties.' Yes, that was the question, and a question which the narrow and stubborn head of Ludlow, and of many like him, could never be brought to comprehend.—*Mem.* ii. 117.

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conduct. But at that moment the land was known to be covered with a network of conspiracy, either royalist or republican. It was at that juncture, too, that the ordinance was published which declared every royalist worth a hundred a year liable to pay a tenth of his income to the support of the government.*

It was to collect this assessment that the protector's major-generals were invested with their large powers in the districts committed to their oversight. Cromwell entrusted this service to men, for the most part, in whose discretion he had the greatest confidence. But where there was much known disaffection, the burden no doubt often fell very grievously. The hope of the protector in convening his third parliament in

* The regular sources of revenue consisted of the monthly assessments, the excise, and the customs at the ports. The excise and the customs were farmed in 1657 at 1,100,000*l.* a year, and, with the monthly assessments, made up an income of somewhat more than 2,000,000*l.*—Thurloe's *Papers*, vii. 596. It was in 1657, when the arbitrary course of the government had reached its highest point, that a merchant named Coney became conspicuous by refusing to pay the usual duties on goods imported. He objected to the Instrument of Government, on the ground of which the command was made, alleging that it was not an act of parliament. By the commissioners of the customs, Coney was sentenced to pay a fine of 500*l.*, and refusing to make that payment, he was sent to prison. He then applied for his writ of *habeas corpus*, and engaged in his behalf, Maynard, Twisden, and Wyndham, three of the most eminent counsel of the day. By these learned men it was maintained that according to those ancient laws for which the Long Parliament in its early days had so strenuously contended, the duties of tonnage and poundage, in common with other taxes, could not be levied without the sanction of an act of parliament, and as the Instrument of Government was not an authority of that nature, all claims to the public revenue founded upon it must be invalid. But Coney's defenders must have seen the weakness of such reasoning in existing circumstances. Had Cromwell admitted it, he should have convened a parliament on the basis of the old constitution, which, in the state of parties, would have been to call up a political chaos, one of the effects of which would probably have been his own destruction. After the first day of this argument, the protector sent Maynard and his colleagues to the Tower, on the charge of having promulgated opinions subversive of the government. But they were soon released, and Coney was prevailed with to be silent. The judges under Cromwell were all men of learning and integrity, and in this case, as in some other, showed much independence.—Whitelocke, 574-608. Ludlow, ii. 80-82. Goddard, 170.

the following year was, that supplies being thus obtained for the exigency, such 'arbitrary proceedings, so unacceptable to the nation,' might come to an end. England, he well knew, was not a country to be governed long by a body of military satraps. But the Republicans were not prepared to recognize any power not after their own sectarian type, though they must have known that their pedantry on that point found no favour with the greater part of the nation. The Presbyterians, at the same time, must not only have a king, but a king from the old stock, and were weak enough to think that a king willing to accept and enforce their covenant might be obtained from the house of Stuart. Both parties were to have their reward. Both were to remember the words of Cromwell, but not until the time in which they might have been remembered to some purpose had passed away.

When Cromwell spoke, as he sometimes did, of not having sought the position which he filled, he no doubt spoke what was substantially true. Every signal service he had rendered opened the way before him to something higher. The successive proofs of his transcendent capacity were the steps which, without any effort on his part, must have raised him by degrees to some such place as was at length assigned to him. By every step, moreover, in his spontaneous career, he became more committed to the popular cause, and more bound, by the law of self-preservation, to uphold that cause. Such a man, once entered on such a course, could not look back. It would have been self-destruction to have done so. The more he did, the more powerful he needed to become if his advanced ground was to be safe ground. Ambition might have disposed him to look thus higher and higher still; but apart from all selfishness in that form, circumstances made it imperative that his history should be of that complexion; and the instincts of his nature must have prompted him to adjust himself to those circumstances. He had sought the service of his country, but he had

a right to say that he had not sought its honours—those had come without seeking. He might have added, that in his uses of the power which had thus come into his hands, his aim had always been the greatness of his country, not his own. And when we remember how parliaments, and juries, and mobs sometimes demeaned themselves towards him, after all that he had done in the hope of giving security to their rights and liberties, we can readily understand that there were seasons in which he could have wished that it had been his lot 'to live under a woodside, and to attend a flock of sheep,' in place of being called to a life of so much self-sacrifice for so sorry a return. No English sovereign has governed England more constitutionally, none so liberally, as Cromwell would have governed it, had the men of his generation been more men of his own order. In his mind we see the England, not merely of his own day, but of a day still to come. He was a man of his own age sufficiently to be its leader. But he was sufficiently in advance of his age to have to bear the penalty commonly awaiting men who become offenders in that form. It was in his heart to have governed justly, humanely, magnanimously. But the men about him were wanting in the large thought, and in the large-heartedness, without which it was not possible that his policy should be realized. Seven months after the dissolution of his third parliament, Cromwell was to be no more. He died as he might have been expected to die, full of religious thought; and with an undisturbed conviction that the cause of the English parliament against Charles Stuart had been in the main the cause of law against lawlessness, and of right against wrong.*

* It is due to myself to state that the estimate I have formed of the character and career of Cromwell is strictly my own, and was published in substance as mine long before Mr. Carlyle had written on this subject, and when the notions of that gifted writer concerning the leaders in the Long Parliament, and in the English Commonwealth, were not what they are now.

CHAPTER III.

ENGLAND AS A REPUBLIC.

DURING the reign of James I. the nation, which had shown itself strong on the side of Protestantism and freedom over Europe; and which had presented so bold a front to the approach of the Spanish Armada; seemed suddenly to have lost all its capacity for enterprise, and even its hereditary courage. In the early years of Charles, the foreign policy of this country again became warlike. But the result only seemed to be, to confirm in our neighbours the impression, that our old sagacity and spirit had wholly passed from us, and to make it certain that our part in the affairs of Europe in the time to come must be of a very humble and harmless description.

Dishonour brought on the nation by James and Buckingham.

But the foreign war to which Charles and his favourite committed themselves was selfish and insincere, and was known to be of that character by the leaders of the people, and by the people themselves. The natural consequences followed. Those who should have supplied the means, were slow to furnish them; and the force raised, consisted of men drawn from the lowest class, without the least feeling of interest in the service.

But a change was not distant. The English were about to become a braver and a more potent people in the estimation of Europe than they had been since the days of the Plantagenets. The interests involved in the civil war, were such as to awaken thought and sympathy in the highest and in the lowest, and especially amongst the wisest and the most virtuous. The novelty and gravity of the questions to be

Revival of its ancient spirit.

BOOK XIII CHAP. 3.

settled, gave a new complexion and power to the national character. Some of the officers, both among the Royalists and Parliamentarians, had been in the service of foreign states. But England could hardly be said to have seen war during half a century.

Military skill and courage of the armies of the civil war.

The armies of the civil war consisted of men called immediately from their peaceful avocations in city or country life. But these men are no sooner assembled, than they become disciplined, and capable, in an extraordinary degree, of cool and steady action, either in the open field or in the breach. The Royalists, who, in general, were proud of their blood and breeding, soon became aware that it would not be safe to reckon that the men accounted their inferiors in those respects, must be their inferiors in military skill or courage. Clarendon expresses his admiration of the Parliamentarian infantry in the first battle of Newbury, where, though raw from the streets of the capital, they were seen to stand together like a wall of adamant, in the face of the bravest onsets from the royalist cavalry. Nor were the Parliamentarians slow to admit the courage of their opponents. 'Essex and 'his soldiers,' says Whitelocke, 'acknowledged much 'gallantry and courage in those of the king's party, 'and the king's party acknowledged the like of Essex 'and his soldiers—all were Englishmen, and pity it 'was that such courage should be spent in shedding 'the blood of each other.'

The six thousand at Dunkirk.

In 1656, Cromwell sent six thousand veterans to be engaged with the army of the king of France in the siege of Dunkirk. On the twelfth day of the siege, the Spanish army, under Don John of Austria, and the Prince of Condé, advanced to the relief of the place. The French general hesitated whether to raise the siege, or to risk an engagement. The English urged the latter course, and a regular battle took place, partly on the downs, and partly on the sands to the north of the town. The left wing of the besiegers consisted principally of the English, who seemed to

exult in the opportunity of measuring their weapons with the Spaniard—the old foe of their country, and that upon a foreign soil, and in the presence of the best troops of France, commanded by Turenne, the greatest of her generals. Their conduct proved that the reports of their disciplined valour which had gone before them were in nowise exaggerated. The immortal six thousand—such was the name which they acquired—carried everything before them, in the face of an obstinate resistance. And after their manner at Naseby and Marston Moor, having chased one wing of the enemy from the field, they returned, fell on the rear of the main body, and made the victory complete. In the regiment of Lockhart, the English commander, there was scarcely an officer without a wound. The Duke of York fought on the side of the Spaniards, and betrayed that sympathy with English blood, which, with all his faults, was never to forsake him, by applauding the bravery and masterly conduct of his countrymen, who were on that day marshalled against him. So the dishonour which the first Stuart king, and the minion of his successor, had brought upon the English name was wiped away.* BOOK XIII CHAP. 3.

Boldness and success of our foreign policy under the Commonwealth and the Protectorate. Blake and Prince Rupert.

In its proceedings towards foreign powers, the Commonwealth maintained its pretensions with great ability and firmness. Among its most important transactions of this nature were those relating to Portugal, Spain, and the United Provinces.

Only a few weeks after the death of the king, the fleet which had revolted from the parliament the year before, put to sea under the command of Prince Rupert. This armament committed various depredations on the coasts of England and Ireland. But the prince

* Ludlow says, that the English suffered most from a party of Cavaliers under the duke of York, who, 'galled them from a sandhill;' but adds, that when dislodged from that position, their bravery was not equal to that of the Spaniards.—*Mem.* ii. 108, 109. Thurloe, vii. 151. Clarendon, vii. 280-284. Sir William Temple's *Memoirs*, Part iii. 154.

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Portugal. 1649.

was ere long compelled to seek protection from the government of Portugal. The shelter afforded the pirate in the Tagus—for such was the name which Blake, the English admiral, gave to Rupert—led to a seizure of many Portuguese vessels, which was followed by an arrest of English merchants at Lisbon, and reprisals upon their property. But the Portuguese were not long in discovering that they were unequal to the contest which they had provoked. After a tedious negotiation of twelve months, and having submitted to haughty treatment from the offended republic, they consented to repair all the injuries they were said to have perpetrated, and to defray the charge of the hostilities which were said to have been made necessary by their conduct.*

1651. July.

Spain.

The Spanish government had never manifested any sympathy with the misfortunes of the late king. But no one could suppose that its feeling towards the new power would be at all friendly. The hope, however, of finding in the republic an antagonist to Portugal, and a power disposed to look with jealousy, for commercial reasons, on the United Provinces, prompted the Spaniard to acknowledge its authority and to solicit its alliance. Ascham, who was sent ambassador to Madrid, was assassinated while seated at a table with a Spanish ecclesiastic who acted as his interpreter. The murderers were a party of English royalists, one of whom proved to be a servant of Hyde Cottington, then in that city on an embassy from Charles Stuart.

Assassination of Ascham.

Audience to the Spanish ambassador.

The death of Ascham was toward the end of May, 1650. In the following December, a grand audience was given to the Spanish ambassador, Don Alonzo, who was desirous of counteracting the efforts of the ambassador just then arrived from Portugal, and of saving the court of Madrid from the blame to which

* Whitelocke, 450-455, 462, 520. Clarendon, vi. 140, 148, 149, 270, 390-395. Milton *Papers*, 11, 35, 40, 42, 84. *Parl. Hist.* iii. 1365, 1366. Thurloe, i. 134, 142, 145.

it was exposed on account of the fate of the English minister. Alonzo was conducted from his residence in the state coach, in company with the earl of Salisbury, and Sir Peter Wentworth, and followed by between thirty or forty gentlemen in carriages. At Whitehall, the procession was received by troops of cavalry, and the whole road from that place to the entrance of the house of commons, was lined with military. The floor of the house was covered with a rich Persian carpet, and a little on one side from the centre, was a chair of state, provided for the ambassador. The attendants remained between the door and the bar of the house, while the ambassador advanced, and having paid the usual respect to the speaker and the members, took his seat. His credentials, written in Latin, were presented to the speaker by Sir Oliver Fleming. Don Alonzo then rose, and 'with much gravity and 'respect, declared the desire his master had to con-'tinue the amity betwixt both nations; that the 'murderers of Mr. Ascham were in close prison under 'a guard; that the king had used all the ways he 'could to bring them to justice, being strongly 'opposed therein by the church; that he doubted not, 'at length, to succeed; and would do as much therein 'as if his own son had been murdered.' Philip was further represented as rejoicing much in the remembrance that himself, the greatest prince in Christendom, had been the first to acknowledge the English parliament as the supreme power of the nation.

Of the six men concerned in the assassination, five had fled to a place of sanctuary—one to the house of the Venetian ambassador. But so strong was the feeling in Spain in favour of the culprits, that it was deemed prudent to appear content with the arrest and death of one of their number.*

* Milton's *Papers*, 39, 42, 67, 133, 136. Whitelocke, 462. Thurloe, i. 148-153, 202. Harleian *Miscellany*, iv. 280. Clarendon, vi. 357-368; 441, 449; vii. 174. *Parl. Hist.* iii. 1359.

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The United Provinces.

About twelve months before the death of Ascham, six men of the same party had assassinated Dorislaus, the ambassador of the English parliament at the Hague. The States, though affording Charles and his adherents their chief asylum, could do no less than express their disapprobation of so gross a violation of the laws of civilized nations. The deed had been perpetrated without any effort at concealment, rather indeed with a studied publicity. Charles, in consequence, removed from the Hague, and took up his residence at Breda. Many circumstances, however, naturally disposed him to look for aid from the United Provinces. The States General evinced a friendly feeling toward the exiled royalists, which was much strengthened by the young prince of Orange, who had recently married a daughter of the late king of England. Added to this, were the jealousies naturally arising between two great commercial powers. It was not therefore until the death of the prince of Orange, nearly two years after that of Charles I., that the States General were prevailed upon to receive the ambassadors of the English commonwealth. Even then, many difficulties were interposed to gain time, until the issue of the struggle between Charles II. and Cromwell should be ascertained.

1650. November.

But before the decisive battle of Worcester, the period had closed to which the parliament had limited the negotiations of its envoys. They returned to London stating that they had failed in their mission, and failed in consequence of the artificial delays which had been opposed to it.

Rise of our naval power under the commonwealth.

Some of the leading men in the English parliament had given much attention of late to naval affairs, and the unfriendly course of the Hollanders disposed them to think of trying their strength with the power which had for some time challenged the sovereignty of the seas. The States looked on this change of temper in the English commonwealth with some apprehension. To propitiate the power which they had done so much

to offend, they descended from their high ground so far as to solicit that the negotiations which had terminated so abruptly at the Hague might be resumed in London.*

Letters of marque issued against the Dutch.

But by this time letters of marque had been issued, which empowered certain English merchants to indemnify themselves in that manner for losses alleged to have been sustained by the depredations of vessels from the United Provinces. Nearly a hundred Dutch traders were seized. What was greatly more important, the memorable Navigation Act was passed. By this act it was provided that no goods from any quarter beyond Europe should be imported into England, except by vessels belonging to England, or to the English colonies; and that no production of Europe should be imported, except by English ships, or by ships belonging to the country whence the produce was obtained.† During some time the carrying trade of Europe had been performed almost entirely by the Dutch. By this act, a blow was inflicted on that source of their opulence and power from which they were never to recover.‡

New navigation law.

The first war with the Dutch.

Appearances on both sides bespoke the approach of war. By the States, a powerful fleet was sent forth, for the purpose, it was said, of protecting their commerce. By the parliament it was demanded that the honour given to the English flag within the limits known by the name of the narrow seas, should still be rendered to it; that the Dutch fishermen who came within a certain line of the British coast, should pay the old tribute of the tenth herring; and that the losses inflicted on several English merchants in the East Indies should be compensated. These matters had scarcely become points of deliberation, when an irregular engagement took place between Blake and the

* Thurloe, i. 112-183, 188, 185. *Parl. Hist.* iii. 1363-1366.

† Anderson's *Hist. Com.* ii. 86.

‡ *Parl. Hist.* iii. 1374.

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famous Dutch admiral, Van Tromp. Night parted the combatants, leaving the advantage on the side of the English. Each accused the other of being the aggressor. It is probable that the fault was to be traced to the impatience of Blake. It is certain the Dutch government showed great forbearance, and did what they could to prevent a rupture. But when it became known, that among the conditions insisted on, was a demand that the expenses incurred by the parliament to protect the commerce of their country against the menacing preparations of the States should be defrayed by that power, it was manifest that no honourable peace could be at present secured.

Fight between Blake and Van Tromp. 1652. May.

Failure of Van Tromp.

The first armament sent out by the Dutch was deemed powerful enough to dismay opposition. But the elements were not so favourable to Van Tromp as the expectation of his countrymen. He returned with the loss of five frigates, and without any achievement. An attack was afterwards made by the English admiral Ayscue, upon the convoy of a fleet of merchantmen under De Ruyter. But though conceived and executed with much skill, the attempt to break through the enemy's line favoured his escape, by separating one portion of the English squadron from the other. The Dutch, however, lost thirty-six vessels in this action. The celebrated De Witte was now united with De Ruyter. Blake accepted an offer of battle from the two commanders. On the first day the conflict raged until nightfall. The next morning the Dutch fled in the direction of Goree, where the difficulties of the navigation afforded them a retreat from the pursuit of their antagonist. This battle was fought towards the end of September.

Ayscue and De Ruyter.

Defeat of Van Tromp and De Ruyter. 1652.

Second engagement between Blake and Van Tromp.

About a month later, Blake was surprised while at anchor, by the appearance of a fleet consisting of more than twice the number of vessels then at his disposal. But though opposed to such odds, the veteran commander could not be induced to turn his back upon the enemy. The battle which ensued was maintained

until the darkness concealed friend and foe. Blake then found, that though considerable damage had been done to his assailant, five vessels out of the thirty-seven under his command were lost. Hence he availed himself of the night to escape from the probable consequence of a renewed encounter on the morrow. Van Tromp was the Dutch commander on this occasion. He afterwards appeared at different points on the coast with a broom at his mast-head, to denote that he had swept the English from the ocean. But this boast was of short duration. November.

Second defeat of Van Tromp and De Ruyter. 1653.

Early in February three admirals, Blake, Dean, and Monk, appeared off the island of Portland with a fleet of eighty sail, waiting for Van Tromp and De Ruyter, who were expected to pass that way, in equal force, with a convoy of some three hundred merchantmen On the eighteenth of that month the enemy came in sight, and a battle commenced which lasted three days. The result was a victory on the side of the English much more decisive than had occurred during the war. The loss of the Dutch consisted of thirty merchant vessels, eleven ships of war, and two thousand seamen, besides fifteen hundred taken prisoners. On the part of the English the slain was nearly as numerous, but the fleet, though much damaged, returned with only one vessel missing.*

Terms of peace with the United Provinces.

When Cromwell became possessed of the supreme power, the States were urgent in making pacific overtures. Negotiations were accordingly commenced at Westminster, in the course of which it was agreed, that the sovereignty claimed by the English flag should be ceded to it; that the enemies of the English government should be excluded from the territories of the States; that a treaty of mutual defence should be formed between the two republics; that the Isle of Oleron should be given up; that eighty-five thousand

* *Journals*, June, 1652. Whitelocke, 505-544 passim. Ludlow, i. 349, 429. *Parl. Hist.* 1378-1381.

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pounds should be paid to the East India Company, besides three hundred and sixty-five thousand pounds to other parties, as compensations for losses sustained by England, and by English merchants, in the East; and on the part of the states of Holland, though not on the part of the States General, it was promised that the present prince of Orange, son of the eldest daughter of Charles I., and then only three years old, should never be raised to the trust of Stadtholder, or captain general, or be made governor of any town or fortress. These were exeraordinary terms to be demanded, still more extraordinary to be obtained.*

Progress of the English maritime power.

The maritime power of England during the protectorate partook of the general vigour of the government. An expedition sent out against St. Domingo, and other Spanish dominions in those parts, proved a failure. But the disappointment in that case was compensated by the unexpected conquest of the island of Jamaica, a more valuable acquisition to England than a footing on the South American continent would have been. An attempt was subsequently made, by a fleet under the admirals Blake and Montagu, to capture the convoy bearing the usual supply of the precious metals from America to Spain. After cruising some time it was ascertained that the enemy had passed, and had safely reached the harbour of Cadiz. But another Spanish fleet from Havannah, hardly less wealthy, fell into the hands of the English. The silver taken was conveyed in waggons from Portsmouth to London, and lodged in the Tower. Blake also appeared before Leghorn, and exacted sixty thousand pounds from the grand duke of Tuscany, as the penalty of having allowed prince Rupert to sell his prizes in that port, and of having obliged certain English vessels to leave it, which were in consequence taken by the Dutch. From Leghorn the English

* Dumont's *Corps Diplomatique Universal*, tom. vi. part ii. 74 et seq. Thurloe, i. 570 et seq.; ii. 9-197 passim.

admiral sailed to Algiers, and extorted a promise from the Dey, that no further violence should be offered to the persons or property of Englishmen. Blake next appeared before Tunis. The governor of that place defied his power, asking if he could look on the castles of Goletta and Port Ferino, and regard the enemy possessing them as likely to fail in the means of defence. The admiral immediately opened his fire on those fortresses, and not only laid them in ruins, but destroyed nine ships of war in the harbour. The report of this achievement soon flew to Tripoli, and disposed the government to comply at once with the terms which Blake had been instructed to prescribe.* BOOK XIII CHAP. 3.

The great powers of the continent were France and Spain, whose mutual jealousies had long taught them to employ all possible means for the purpose of enlisting the states of Europe in their quarrels. During this period the provinces of the Netherlands continued to be the great object of contention between them. The ascendancy of Cromwell as lord protector, seen as he was by the cabinets of Europe in the bold outline of his character from a distance, promised to give a still more formidable unity and efficiency to the energies of the new commonwealth. Spain, in particular, might well dread hostility from this quarter, not only as it would affect her territories in the Netherlands, but much more on account of her commerce, and her possessions in the New World. France, at the same time, though more populous than Spain, and possessing great advantage in geographical position, was so weakened by internal division and dis- England and France.

* According to precedent, the salary of Sir Harry Vane, as the treasurer of the navy, increased with the outlay in that department, and that outlay had become so great that his income rose to 30,000*l.* a year. The treasurer apprised the parliament of the fact, resigned his patent, and stated that if 200*l.* a year were placed at his disposal, he could engage a competent subordinate to do what needed to be done on those terms. The proposal was accepted. Subsequently, a fixed and moderate income was attached to the office.—*Sketches of the Reign of Charles I.* 429.

order, that the acquisitions made by her prowess abroad, seemed fated to pass successively from her hands, as the natural effect of the distractions which enfeebled everything at home.

Policy of Richelieu and Mazarin.

Cardinal Richelieu, who was the great ruler of that kingdom during the progress of the civil war in England, did much to break the force of the evils which preyed upon it. But he at the same time did much to lay the foundation of an order of things unfavourable to the peace of Europe, and ultimately to the prosperity of France itself. It was his policy to attach the nobles to Paris, and by thus involving them in habits of expense, at once to destroy their power in the provinces and their independence at court. It was in this manner that the history of France was made to be little more than the history of its capital, and the effect of this artifice has been visible in the history of that country to our own time. The age of Richelieu was succeeded by the minority of Louis XIV., and the uncertain ascendancy of Cardinal Mazarin. The latter of these great ecclesiastical statesmen was an Italian by birth, and both were of that country by education. In the Italian school they had become adepts in all the winding subtleties of the policy for which Italy had become proverbial. Their great aim was to establish the despotism of the throne, as the only remedy that could be provided against the commotions, civil and religious, which had so long afflicted that kingdom. They do not seem to have suspected that such a remedy might some day prove a greater evil than the disease. Mazarin, who never felt his footing to be secure, employed every art to bring about an alliance with the protector. Indeed, it was commonly said that the cardinal 'had less fear of the devil than of Cromwell.'*

Cromwell sides with France.

Calais was an old possession of the English crown; and Spain, among other things, proffered her assist-

* Welwood's *Mem.* 109. Kennet, 209.

ance to the protector in recovering it. But Cromwell's personal aversion to the Spaniard, his expectation of making rich conquests in the West Indies and South America, and the offer of France to put him in possession of Mardyke and Dunkirk, on condition of his assisting in the capture of those towns, disposed him to side with Louis.* It was also agreed that compensation should be made for certain injuries done to the commerce of England, and that twenty persons, to be named, should be excluded from the French territory, among whom were the sons of the late king.†

This treaty was signed in the autumn of 1655. But the spring of 1657 arrived, and Mazarin, having succeeded in deterring Cromwell from uniting himself with Spain, devised excuses to postpone the promised siege of Mardyke and Dunkirk. The protector at length wrote to say that he was no longer to be put off with 'words for children,' and demanded that the siege should at once commence, or that his 'men 'might be put in a posture to return to him, and to

* Much as Cromwell was disposed to humble Spain, he exacted hard terms, as we have seen, from Portugal. It happened too, a few weeks before the signing of that treaty, that the brother of the Portuguese ambassador killed one man by mistake in the place of another with whom he had a quarrel. The murderer fled for sanctuary to his brother's residence. Cromwell sent him to be tried by a jury, and ordered that he should be executed on the morning of the day on which the treaty was signed.—*State Trials*, v. 462-479.

† St. Priest, *Histoire des Traités*, i. Liv. iv. c. ii. *Traité*, 17., Ludlow, ii. 107. While Mazarin courted the friendship of Cromwell so earnestly, he would greatly have preferred to see Charles Stuart on the throne, and for this reason, he became a party to a scheme for taking the protector off by assassination. He encouraged De Baas, the French envoy, to enter into this project. Cromwell, with his usual vigilance, became aware of the design, and confronted De Baas with one of the conspirators. He branded the culprit as traitor and assassin to his face, and bid him leave the kingdom instantly, never more to appear in it. The principal ambassador from the French court at this time was Bordeaux, but De Baas was also empowered to act in that capacity.—Thurloe, ii. 248, 249, 309 et seq. *State Trials*, v. 513-518.

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'be employed to better purpose.' Procrastination now came to an end.*

Keys of Dunkirk sent to Cromwell.

Not many days after the battle in which the six thousand distinguished themselves, as before mentioned, Dunkirk was surrendered to the French. The marshal, duke of Crequi, nephew to Mazarin, was sent to this country in much state, to present the keys to Cromwell, as to the great captain of the age. This was done in the banqueting-house, with great ceremony.† During the last twenty years Dunkirk had been the point from which aggressions of all sorts had been made upon our mercantile marine, and complaint of these outrages had been little heeded. The fall of Dunkirk was followed by that of Winoxberg, Furnes, Dixmude, Ypres, Gravelines, Oudenarde, and Menin. Throughout this campaign the English and French

* Thurloe, vi. 490, Aug. 31.

† It was observed that Cromwell, having looked significantly at the superscription of the letter sent him by the French king, placed it in his pocket unopened. The marshal afterwards expressed his surprise and displeasure at this proceeding, and inquired of secretary Thurloe what could have led to it. Thurloe replied, that he supposed the protector expected the French king to address him as 'our dear brother,' and not by his state title merely, as had been done. It is said, that when the ambassador reported this to Louis, he exclaimed, 'Shall I call such a fellow my *brother*?' 'Ay,' rejoined Mazarin, 'call him your *father*, if so you can get of him what you want.' In the end, another letter was sent, bearing the fraternal style of address.—*Diary of Dr. Henry Sampson Sloane*, MSS. No. 4462, p. 22. Thurloe, vii. 193. Clarendon, vii. ibi supra. Welwood, 113, 114. At Boulogne, whither he had come from Paris to review the 'six thousand,' Louis, in reply to a compliment from Cromwell, described him as the most enviable prince of the age. When his majesty came to Calais, the protector sent lord Fauconberg, with a splendid retinue, to congratulate him on his near approach to the English shore; and the embassy was received with the greatest ceremony both by the prince and the minister. In the public audience given to Fauconberg, Louis appeared uncovered. Mazarin attended the English envoy to his carriage on his departure; a mark of respect, it was observed, which he had never shown to his sovereign. All this, no doubt, was hollow enough; but it is not the less significant as to what was understood to be involved in an alliance with the English commonwealth.—Thurloe, vi. 288, 333; vii. 151, 158. Welwood, 112, 113.

acted in concert. Other enterprises were in contemplation when the career of Cromwell reached its close.

Intense hostility of the royalists—Assassinations.

But everything which bespoke the power of the commonwealth only served to provoke a deeper enmity in the breasts of its adversaries. The old royalists, despairing of victory in the field, began to seek revenge by assassination. Mention has been made of the murder of Ascham and Dorislaus. Strickland, St. John, and Whitelocke were envoys of the republic who narrowly escaped the same end. Colonel Rainsborough, the reader has seen, was murdered in his chamber in London. A captain and a major were both cut off by the same means. It was dangerous, we are told, for any man belonging to the army or the parliament to walk alone. 'The committee of Derby 'house were informed that a certain number of the 'king's party had combined to massacre eighty mem-'bers of the house of commons.'* There was room to fear that a dastardly species of crime, which had long been the reproach of Italy, was about to be naturalized in England. It is greatly to the honour of the men of the commonwealth that they left it to their enemies to proclaim the sacredness of their principles by such means of supporting them. Clarendon speaks of the men who killed Rainsborough as 'a gallant party,' and of their deed as 'a spirited attempt.'† John Evelyn could exult at the sight of the funeral of Dorislaus, without uttering one word implying condemnation of the murder-deed which had placed him in his coffin.‡ As the strife raged on, even such men could become reconciled to such crimes. Judging from the language prevalent in such quarters, it might be supposed that the case of the English parliament had never been a case involving any great principle, and

* Whitelocke, Sept. 30, 1648.

† *Hist.* vi. 119-122.

‡ This is Evelyn's record of the matter:—'This night was buried, with great pomp, Dorislaus, slain at the Hague, the villain who managed the trial against his sacred majesty.'—*Diary*, June 13, 1649.

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that adherence to it must be from motives purely wicked.*

Industrial progress.

But beneath the surface of political excitement and change, there are spontaneous impulses natural to society which tend strongly towards material prosperity. These impulses are forms of the self-interest which Providence has lodged in every man. Government may aid these tendencies or impede them; but it does not give them existence, and it cannot destroy them. It is in their nature that they should create channels of acquisition for themselves, not only without the assistance of legislation, but often in defiance of bad legislation. The service rendered to commerce by the parliament of the commonwealth and by Cromwell, has been described as embracing the reduction of the legal interest of money from ten per cent. to six; the destruction of all trade monopolies; the abolition of knight service, wardships, and servile tenures; the stimulus given to maritime enterprise by the navigation laws; the granting of liberty of conscience to all traders, native or foreign; the extinction of the vassalage of Scotland, with better provision for the suppression of robberies, the punishment of vagrants, and for the aid of the poor in that kingdom.† Cromwell,

* It was natural, as in all such cases, that the party whose disaffection was said to necessitate the maintenance of so great a force, should be made to bear a large portion of the burden. But it was no less natural that the men subject to such exactions should sometimes express their sense of injury in passionate and exaggerated terms. The nobles and gentlemen who were required to compound for their estates between 1640 and 1659 were between three and four thousand. The compositions varied from less than a pound to hundreds, and rose in some rare instances to several thousands. The total was given, for the nineteen years, as 1,305,299*l.* 4*s.* 7*d.* But the sequestered estates of those who did not present themselves to compound, or who were not admitted to do so, rose to five times that amount. When we remember these facts, we hardly wonder that a zealous royalist should write as follows:—'I left England in that unhappy time when honesty was reputed a crime; religion superstition; loyalty treason; when subjects were governors; servants masters; and no gentleman assured of anything he possessed.'—Reresby's *Memoirs. Sketches of the Reign of Charles I.* App.

† Anderson's *Hist. Com.*

with his characteristic enterprise, dissolved the East India Company, and threw the trade to the East open for the next three years. Private adventure burst forth in all directions, in a manner unknown to our history. In France, manufactures and trade were mostly in the hands of Protestants; in England they were mostly in the hands of the Puritans. Hence the ascendancy of the popular cause in this country was to a large extent the ascendancy of the commercial classes. The expenditure of the country was large—much larger than it had ever been. But its resources were equal to its necessities.*

State of manners—Cavaliers and Puritans.

The reader has seen something of the manners of the court and of the capital under James; and the change for the better under Charles soon became much less than it had been. The fact that opposition to the court was to so great an extent a Puritan opposition, disposed the royalists to guard against the slightest approximation towards anything Puritanical. As the war came on, and as the cavalier found his pride humbled by a foe on whom he had been wont to heap every expression of contempt, his manners became ostentatiously licentious. He feasted, he drank, he

* Signs of this material progress were visible in the streets of London. So far back as 1634, we read of one captain Bailey surprising the Londoners by placing four coaches, with men in livery, opposite the Maypole in the Strand, to ply for hire, and at fixed rates. The four coaches becoming a success, others joined them, so that twenty together might sometimes be seen waiting to be engaged. Everybody, says our authority, was much pleased, the rate of coach hire being greatly reduced by this means.—Strafford's *Letters*, 227. In the same year sedan chairs began to be in common use.—Ibid. 336. In 1654, an act was passed limiting the number of hackney coaches for London and Westminster to three hundred. By this time the postage of letters for England, Scotland, and Ireland, was farmed at 10,000*l.* a year. The postage within eighty miles was 2*d.*; further, 3*d.*; to Scotland, 4*d.* Now it is also that the use of coffee becomes common, and coffee-houses make their appearance. Towards the close of this period, the persons employed in the silk trade were reckoned at 40,000. Linens were still, to a great degree, homespun. Several patents were granted for smelting iron with coal, and in favour of machines for drawing water out of mines.—Ibid. ii. 88, 89, 100.

swore, and indulged in nearly every sort of excess which might serve to demonstrate his hatred of an enemy whom it was no longer possible to despise. But we must not accept these gay gentlemen as a fair sample of the home life of England, as it was known towards the middle of the seventeenth century.

Home life in the middle of the seventeenth century.

When the Restoration had done its work on the manners of our people, Evelyn writing about the good old days which preceded that event, says, that then men chose and courted their wives for their modesty, their good qualities in household matters, and their disposition to seek their happiness at home. Young damsels were trained to such virtues under the eyes of their parents. The English mistress of a household had her cupboards of ancient plate, whole chests of damasks for tables, and stores of fine linen, fragrant of rose and lavender, for the bed. The sturdy oaken bedsteads and furniture lasted a century. Shovel-boards, and other long tables, both in hall and parlour, were as fixed as the freehold. Nothing was moveable save joint stools, black-jacks, silver tankards and bowls. Ancient hospitality was then kept up in town and country. Tenants paid their rent to the day. The poor were relieved bountifully. Charity was as warm as the kitchen, where the fire was never allowed to go out. Surefoot, the grave and steady mare, then carried the good knight, and his courteous lady behind, to church, or to visit their neighbours. One or two sober livery servants rode before to make way for the worshipful couple. Rattling coaches and a crew of lacqueys were not then to be seen.

The lady having the charge of a household was expected to know something about the medicinal qualities of plants, and to be able to treat any of the ordinary maladies which made their appearance among her servants and neighbours. Some were eminently skilled in this respect. The servants of a family, like its other furniture, were often fixtures for life. The distance between master and man, mistress and

maid, was not what it became in later times. The credit and comfort of the family were felt by domestics as their own credit and comfort. They lived willingly together, and in the troublous times which came upon them they often died willingly together. When Whitelocke was hesitating about leaving his family to go on an embassy to Sweden, his old gardener was the man to remonstrate against it; and when he was resolved to go, the gardener appears on the quay from which the vessel is to sail, with a horseload of unexpected contributions for his comfort on the voyage. Such things were common. All the members of such families heard sermons, and in their leisure read books—poetry, history, philosophy, but especially devotional books. The neatness and elegance of the garden and of the shrubbery walks without, vied with the polished care bestowed on the furniture within. Even the old trees which had so long sheltered the house from the storm, seemed to hold a conscious relation to the establishment. From the midst of such families sire and son often went to the war. Loving hearts followed them, trembled for them, prayed for them. And when sad news came, the cases were not few in which those loving hearts were broken—and so there was an end! Often the love and sorrow of the weaker sex rose into heroism—unconscious heroism. Many high-born women lived in the midst of adventure and danger almost without seeing either the adventure or the danger. Great complaint is sometimes made that there were no stage plays, and no Maypoles in those times. What heart at all what a heart should be, would have had a thought in such dread hours about plays or Maypoles?*

* Baxter's *Life*, 30, 31. Here is a different glance at social life in England in 1654:—'Went to Uppingham, the shire town of Rutland; pretty and well built of stone, which is a rarity in that part of England, where most of the rural parishes are built of mud. The people idle and sluttish; the country, especially in Leicestershire, much in common; the gentry free

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Popular excitement.

Scarcely a family existed which had not sent one or more from their midst to the war. Everywhere the public and private interest felt in the quarrel made the people all ear for the last news. On a Sunday afternoon in October, 1642, Baxter was preaching in the parish church in the town of Alcester, in Worcestershire. He saw the people disturbed, and soon became aware that it was by the distant sound of artillery. When the preacher closed these sounds had come nearer. The congregation passed into the streets full of inquiry. About sunset, troops fled through the place who said there had been a great battle at Edge Hill, and that all was lost on the side of the parliament. Not until next morning was it known, that the success of prince Rupert on one wing, had been counterbalanced by the bravery of lord Hollis and his London 'red coats' on the other.* Baxter tells us that Coventry was to him the weather-proof house from which he could listen in safety to the storm now abroad. The first words on every morning were—What news? Daily, reports came of skirmishes, of battles, or of garrisons which had been won or lost. 'Newbury fights, Gloucester siege, the marvellous

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drinkers.'—Evelyn, ii. 85. 'After dinner went to bowles. Meantime our coachmen were made so drunk, that in returning home we escaped great dangers. This, it seems, was by order of the knight (the host), who will have all gentlemen's servants so treated.'—Ibid. 78.

* Baxter's *Life and Times*, 43, 46. On the evening of the day on which the battle of Worcester was fought, Baxter was at Kidderminster, eleven miles distant. 'I was newly gone to bed,' he writes, 'when the noise of the flying horse acquainted us with the overthrow.' Thirty of Cromwell's troopers had been placed with a piece of cannon to guard Bewdley bridge; 'but becoming aware of the defeat,' says Baxter, 'they came into our streets, and stood in the open market-place before my door, to surprise those who passed by. So when many hundred of the flying army came together, these thirty troopers cried Stand! and fired at them, and they either hasted away or cried quarter, not knowing in the dark what number it was that charged them. So as many were taken as so few men could lay hold on. Until midnight, the bullets flying towards my door and windows, and the sorrowful fugitives hasting by for their lives, did tell me of the calamitousness of war.'—Ibid. 69.

'sieges of Plymouth, Lyme and Taunton, Sir William 'Waller's successes and losses, the loss at Newark, 'the slaughter at Bolton, the greatest fight of all at 'York, with abundance more,'—all came to the ears of the people in that old city, first in vague rumours, then more in detail.

Disorder in the capital.

When Cromwell became ascendant in the army, the conflict between Royalists and Parliamentarians became, as we have seen, very largely a conflict between Presbyterians and Independents. And now the capital, which had sent forth its armed multitude to intimidate the two houses, and to insure the death of Strafford—sent its multitudes to the very floor of parliament, demanding that the League and Covenant should be maintained, and that a check should be given to the license which had grown up under the plea of liberty of conscience.

Literature.

The literature of England when England became a republic, was that which followed the age of the Elizabethan dramatists. In poetry it gives us the names of Herbert, Denham, and Waller; and in prose the names of Chillingworth, Taylor, and Milton. The political discussions which came with the civil war, if not favourable to the graces of composition, were certainly favourable to clearness, directness, and force. Men who are in earnest naturally express themselves after that manner. The novelty of printing parliamentary speeches gave a new impetus to political oratory. Gentlemen of the press, too, now began to make their appearance.* The eagerness with which

* It is not generally known that during the civil war both armies took their own printers along with them. Robert Baker, a printer, accompanied Charles to Newcastle in 1639. Cromwell took Christopher Higgins with him in this capacity to Leith in 1652. That event led to the appearance of the first newspaper in Scotland. This paper, the *Mercurius Politicus*, was first printed at Leith on the 26th of Oct. 1653. The reprinting of it was transferred to Edinburgh in November, 1654, where it continued to be published until the 11th of April, 1660. It was reprinted from that time under the name of the *Mercurius Publicus*. Without this moveable apparatus,

BOOK XIII CHAP. 3. every one inquired after the latest news originated the newspaper. From 1640 to 1660, every county, and every considerable city or town, had their publications of this kind. The earliest papers were weekly; after a while they were published more frequently. They consisted often of single leaves, rudely printed on very bad paper. It should be stated also, that in some instances the good offices of this early race of editors of the broad sheet were known to be bought, and during the excitement of the war public men were praised according to the rate of the consideration furnished as the price of celebrity in that form. The political disquisition of the newspaper in those days was not worth much. But the number of treatises and pamphlets on public questions which appeared during the twenty years which preceded the Restoration is almost incredible. They are supposed to have been not less than a hundred a month. If mastery comes from practice, men so employed should have acquired a considerable power over the literary uses of their mother-tongue.

Learning. The works of the more learned class published during this period were nearly all on biblical or antiquarian subjects. Sir Henry Saville's edition of 'Chrysostom,' in eight folio volumes, is sometimes mentioned as the most noteworthy performance of this order. But a still higher place must be assigned to the polyglot Bible edited by Walton. No biblical work of equal value has issued from the British press. In 1517 cardinal Ximenes published the 'Complutensian Polyglot.' In 1645 Le Long published a similar work in Paris. The cost of these superb productions was borne, partly by royal, and partly by private munificence. It was left to the age of the English commonwealth, and largely to the liberality of Crom-

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the belligerents would not often have been able to post up their respective proclamations, and to serve their cause by such means.—*Historical Sketches of the Reign of Charles I.* By W. D. Fellowes, Esq. 243, 244.

well, to show that the feeling of Protestant Europe could keep pace with that of the great Catholic monarchies in doing honour in this form to the sacred writings. Brian Walton, afterwards bishop of Chester, was the principal projector and editor of this work. But he was assisted by many learned men in Cambridge and Oxford. It was completed in 1657, and in our literary history it was the first work published by subscription.*

Science.

The great event in the history of science during the twenty years which preceded the Restoration, was Harvey's discovery concerning the circulation of the blood. But Hobbes published his map of human knowledge during that interval; and the diary and letters of Evelyn show how Boyle and others were wont to seek their solace amidst the troubles of the times, in the private prosecution of their physical researches. Even wise men were not without faith in astrology, and did not scruple to avow their dread of witchcraft.† But believers of that order were be-

* Le Long, *Bib. Sacra.* i. 13 et seq. Nothing could be worse than the condition of Oxford when the fallen fortunes of the king obliged him to fly from it. It is confessed, on nearly all hands, that under the Puritan, and more especially the Independent *régime*, learning revived rapidly. Colleges which had been converted into barracks were soon filled with students.—Wood's *Annals*, ii. part ii. 621. Clarendon speaking of Oxford while Dr. Owen was vice-chancellor, says, 'It yielded a harvest of extraordinary good and sound knowledge in all parts of learning; and many who were wickedly introduced, applied themselves to the study of learning and the practice of virtue.'—*Hist.* iii. 57. Fairfax, on entering Oxford, used all the means in his power to secure the Bodleian Library from pillage. He was a contributor to the cost of publishing the *Polyglot*, and Dodsworth's *Monasticon*. He presented to the Bodleian twenty-nine ancient MSS. among which was a beautiful MS. of Gower's *Confessio Amantis*. He was known as a collector of engraved portraits, of coins and medals, and as a zealous patron of men of letters.—Fairfax *Correspondence*, i. cxvi. cxvii.

† Lilly, the astrologer, was a great prophet in his way during the civil war. While his majesty's arms were prosperous, the sage was more Cavalier than Roundhead. When the scale turned the other way, the predictions of the seer turned with it, though he still professed 'much affection to his majesty's person, and unto monarchy.' He relates that on the

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coming fewer every day. Evelyn and his friends meditated instituting a college where they might meet for a season as students of science, and pursue a college life. The quiet place where such occupations would be possible, was looked to as a charmed retreat for the chafed spirit. But it was not until after the Restoration that England could be said to have had a school of science. Physical science then came into the place of political speculation. The laboratory, though sometimes foul, was less foul than the politics of those days, and less dangerous. Even court gallants learnt to dabble in such experiments.*

The fine arts.

The taste of Charles gave a healthy impetus to the cultivation of the fine arts in England. His collection of pictures, and the virtû in his cabinets, evinced his sound appreciation of everything within the domain of art. It was his patronage which detained Vandyke so long among us. To his influence our galleries are indebted for the portraits of the great men of his time, fixed in the imperishable colours of the artist who in that excellence ranks next to Titian. Rubens, at the request of the king, painted the ceiling in the Ban-

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commencement of one of Cromwell's battles, a soldier stood with his Almanac in his hand, exclaiming, as the troops passed by, 'Hear what old Lilly saith:—Victory this month! Fight it out boys, and then come and read.' Charles and Falkand, when strolling in the Bodleian Library, were disposed to try a *Sortes Virgilianæ*. The king's experiment is said to have brought him no good omen, with which he was somewhat troubled. Falkland's venture, in place of removing the gloom of his majesty, served, it is said, to deepen it, and foreshadowed his own fate.—*Sketches of the Reign of Charles I.* 8, 214, 215.

* Evelyn's *Correspondence*, iv. 83. See other references to scientific subjects, 7, 52, 65, 67, 84, 104, 114, 124, 135, 141. In Nov. 1651, as the influence of Cromwell began to be felt in Oxford, Boyle writes, 'As for our intellectual concerns, I do, with some confidence, expect a revolution whereby divinity will be exalted, and real philosophy flourish beyond men's hopes.'—Ayscough, MSS. 4162. Boyle was only one amidst a number of kindred spirits who were wont to meet to converse, to read papers, and to make philosophical experiments.—*Life of Seth Ward*, by Aubrey. The Royal Society may be said to have had its origin in those meetings.

queting house in Whitehall. A considerable group of foreign artists found England a genial soil for men of their vocation. Charles gave 18,000*l.* for the gallery of the duke of Milan, said to have been the finest in Europe. With the assistance of Rubens, he secured the cartoons of Raffaelle, then in Flanders. In fact, to the treasures of this kind which had descended to him as king of England, Charles was constantly making valuable additions. Many of the nobility more or less imbibed the taste of the sovereign. Among these, the first place must be assigned to the earl of Arundel, whose collection of marble busts and gems was such as England had never seen. In architecture Inigo Jones created an epoch in our history. Under his influence the transition was in great part made from the Tudor style to the classical.

No doubt, when the civil war began, a great check was given to artistic taste. Charles I. who set a high value on art, set no value on national liberty. It must be confessed that his opponents were mostly men of another mind. With them, national liberty was of great price. The fine arts were not of the same importance, and could bide their time. In this respect the republic of England reasoned as the republic of Rome had reasoned during the first five centuries of her existence—until, in fact, the conquest of Greece brought in the vices of that people along with their æsthetics, and sowed the seeds of the ruin which followed. So early as 1645, some Vandal resolutions were passed in the English parliament concerning the pictures at Whitehall. But there were men in that assembly who execrated that policy, and were powerful enough to neutralize it. Colonel Lambert was himself an artist. Cromwell purchased the cartoons, and when he came into power gave them back to the nation, and compelled some other men to relinquish the purchases of that description which they had made.* Noblemen

* In 1643, Cromwell sent a letter to a clergyman in Ely, who persisted in performing the choral service in the cathedral, admonishing him to desist;

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were made to compound for their estates; but to a large extent their mansions, and the valuables in them were left undisturbed.*

Religion.

Many facts have come under our notice which serve to show the state of religion in England from the accession of Charles I. to the death of Cromwell. But beneath the surface of ecclesiastical legislation there is the religion of individual thought and private life. The conviction that the Divine Being does rule in the affairs of this world, and in the hearts of men, was not more really the conviction of Puritans and Independents, than of Catholics and of Anglo-Catholics. Clarendon and Evelyn believed thus as surely as Baxter and Owen.† Nevertheless, our popular literature is flooded with representations which assume that the men who seemed to credit such convictions must

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but stating that his reason for this caution was, that he did not wish to see his men irritated so as to take the reform of such matters in a 'tumultaria' manner into their own hands.—*Sketches of the Reign of Charles I.* 244.

* Engraving in England is as old as printing, both in wood and copper. There were good engravers in this country in the time of Elizabeth, and a much more skilled class in the time of Charles I. The intelligent, laborious, and ill-recompensed Hollar, lived through all the 'troubles' of this time. But the highest style of engraving hitherto realized among us, was seen in the works of Voerst and in those of Vostermans, who transferred so many of the Vandyke heads to their plates. The references to fine art matters in Evelyn during this period are frequent.—Vol. ii. 4, 7, 9, 51, 53, 60, 63-69, 78, 79, 98, 102.

† Cromwell, and the men who acted with him, often appealed to the success of their arms as showing the Divine sanction of their cause. *We* do not judge of the Divine approval by such tests; but see how Charles can write on this subject to Henrietta. 'Nothing can be more evident than that Strafford's innocent blood hath been one of the great causes of God's just judgment upon this nation by a furious civil war; both sides hitherto being almost equally punished as being in a manner equally guilty. But now this last crying blood being totally theirs, I believe it is no presumption hereafter, that the hand of justice must be heavier upon them and lighter upon us.'—*King's Cabinet Opened*, Jan. 14, 1645. According to Evelyn, it was the Ruler of the universe who allowed him to fall into the hands of highwaymen in a lone part of Kent, and to suffer from them so much and no more. His life, he tells us, was full of such merciful deliverances, for which he is devoutly thankful.—*Diary*, ii. 56-58. Men were believers in a God and in a Providence in those days.

have been hypocrites or fanatics. Hypocrites and fanatics no doubt there were; but faith in the intervention of the Divine Power in answer to prayer, and in relation to the current changes both in the physical and spiritual world, was the faith of the age.

In the army of the parliament, when first brought together, every regiment had its chaplain. Most of the men who accepted that office were men of high religious character, men of learning, and all were able preachers. The men of the model regiment raised by Cromwell from among his neighbours, were desirous of forming themselves into a church, and of procuring a chaplain who should not only be their preacher, but in some sense their pastor. Cromwell joined with the officers and men in inviting Baxter to that function. The good man, with his usual fertility in taking exception to every new idea which did not happen to be his own, declined the invitation, and said much 'against the lawfulness and convenience of their way.' Baxter came to see his error in not complying with their request, but not until it was too late. 'Those very 'men,' he writes, 'who then invited me to be their 'pastor, were the men who afterwards headed most of 'the army, and some of them were the forwardest in 'all our changes, which made me wish that I had 'gone with them, however it might have been inter-'preted, for then all the fire was in one spark.'*

But the men who accepted such invitations, did not continue long in their new office. The cavaliers denounced them from the first as Military Levites, and would no doubt have made them special objects of vengeance. Some of the chief among them were witnesses of the carnage at Edge-hill, and we do not find them following the army after that day. In the meanwhile the soldiers were moving from place to place, and were often in circumstances to be obliged to conduct public worship among themselves, or to dispense

* *Life and Times*, 51.

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with it altogether. Baxter speaks of this failure of regular ministers in the army as a great source of the evils which followed. The army preachers came into their place. But these soldier preachers were not always fanatics. Baxter listened with astonishment to men with swords at their side, who told him that 'the 'civil magistrate had nothing to do to determine any-'thing in matters of religion, by constraint or re-'straint, but that every man might not only hold, but 'preach, and do, in such matters as he pleased—that 'the civil magistrate has nothing to do, but with civil 'things, to keep the peace, and to protect the liberty 'of the churches.'* It was not given to Baxter to see how much there had been in the exercises of the civil power in the sphere of religion to dispose the minds of men towards that track of thought, and to satisfy them, that to make religious strife harmless, and so to save the world from a large portion of its misery, the short method would be, to leave such strife to be simply religious, and to forbid that it should be in any case an armed strife. The seeds of thought, germinating in the brain of those Independents, were pregnant seeds destined to be fruit-bearing in after time. Civil liberty was well understood by the Puritans, but it was left to the Independents to realize just ideas of religious liberty, to be the first to plead publicly in its behalf, and to do so not only when they were prostrate, but when they had risen to the possession of the supreme power.†

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* *Life and Times*, 53.

† The first in the long series of works on the deistical controversy which were to make their appearance in this country, was Lord Herbert's *Tractatus*, or Revelation. It was first published in 1624; a third edition appeared in 1645. By that time, such speculations had ceased to be a novelty. Persons holding such views were already known by the name of Free-thinkers. Speculators of this description were found even in the army of the commonwealth, both among officers and men. Overton and Walwyn, two malcontent officers, who were sent to the Tower with Lilburne, were thinkers of this order. In 1647 Jeremy Taylor argued that men were so liable to err

We all know enough concerning the extremes to which speculations of this nature were carried by the Levellers and the Fifth-monarchy men. But if the army of the civil war and of the commonwealth had consisted mainly, or more than very partially, of such men, its place in English history would not assuredly have been that which it now holds. Cromwell knew the army to be with him when he resolved to curb the insolence of such dreamers.* The parties who rushed into those extremes often pleaded a special inspiration in defence of them; and the real or pretended disciples of George Fox sometimes infringed on all order and decency under the same pretext.† But the earnest religious feeling of that age had no necessary connexion with the madness which grew up beside it. The world is never without fanatics, but it is not a world to be governed by them.

The great demand of the Independents, as we have

that it is unjust to punish their errors. But the author ceased to iterate even this limited idea of religious liberty after the Restoration.

* The Independents, it seems, as one effect of their larger way of thinking, learnt to throw off much of the old Puritan mannerism. Wood describes Dr. Owen, while dean of Christchurch, as rivalling men of fashion in some portions of his dress. The description is no doubt caricature. But Bastwick, in his preface to his *Utter Routing of the Independents*, says, 'You shall find them the only gallants in the world, so that one who should meet them would take them for roarers and ruffians rather than saints. Yea, you shall find them with cuffs, and those great ones, at their heels, and more silver and gold on their clothes than many great persons have in their purses.' Edwards, of gangrene celebrity, says, 'Their going in such fine fashionable apparel, and wearing long hair, as 'tis a shame; they feast, ride journies, and do servile business on the fast days.'—*Gangrena*, part i. p. 62. The leaders of the Independents were most of them of creditable descent; and from the above language we infer, that, to their praise, they were wont to dress as men of sense and of their position were expected to dress. Yet Baxter says, 'They were commonly more strict about the qualifications of church members, than scripture, reason, or the practice of the universal church would allow; not taking a man's bare profession as a credible and sufficient evidence of his title to church communion, unless either by a holy life, or the particular narration of the passages of a work of grace, he should satisfy the pastor—yea, all the church—that he is truly holy.'—*Life and Times*, 143.

† *English Nonconformity*, chap. iv.

BOOK XIII CHAP. 3.

Toleration under Cromwell.

seen, was liberty of conscience, many of them insisting that the civil magistrate should learn to restrict his authority to civil affairs. It seemed reasonable accordingly to expect, that the ascendancy of the Independents would be the ascendancy of religious liberty in its fullest form. But that result did not follow. To the wisest men of that age, the time had not yet come in which it would be safe to act to the full on that maxim. Catholics were not only excluded from all places of trust, they were not allowed to exercise the elective franchise. They suffered no molestation on account of their private faith, but there was no public toleration of their worship. From choice or necessity they had all taken side with the king; and the law, so far as they were concerned, was often rigorously enforced. But it was not so much thus with the laws affecting Episcopalians. It is well known that Cromwell would have asserted the religious rights of the Quaker, of the Unitarian, and of the Jew. Such a man could not have been opposed on religious grounds to the use of the Book of Common Prayer, or to an Episcopalian clergy.*

* On the matter of toleration under the commonwealth, see Kennet's *Hist. Eng.* iii. 223. Harris's *Life of Cromwell*, 37-45. Baxter's *Life*, 86, 87. Whitelocke, 614. Neale's *Puritans*, iv. 72-125. Evelyn's *Diary*, ii. 6, 62, 66, 68, 99. It is clear from these authorities, that under Cromwell, Episcopalians had services according to the church of England very commonly, not only in their houses, but in various well-known places of resort in London. No doubt, even Cromwell's time was a dark day to the church of England. But it is manifest enough that the protector was more desirous of conciliating her adherents than of coercing them. Cromwell had pursued this course for some while, when he was provoked by the rising under Penruddock and others in 1655 to issue a severe ordinance, prohibiting the ejected clergy from officiating as schoolmasters or tutors. But it is clear the ordinance was not enforced. The manager for the commons in a conference with the lords in 1662, said, 'It was an oversight in the usurped powers that they took no care in this particular, whereby many young persons were well seasoned in their judgments as to the king.' This was said in support of the clause in the Act of Uniformity which punished the Nonconformist clergy as Cromwell had threatened to punish the Episcopalians.—Lords' *Journals*, May 7, 1662.

The maxim of Cromwell, and of the Independents generally, was, that there should be practical religious liberty to as great an extent as could be made to comport with the safety of the state. In that safety lies the supreme law. The measure of freedom that may not be ceded consistently with that law can never be a right. Nothing can invalidate this maxim. So long as religion is a matter of private conscience it is sacred, and to be respected as such. But churches are social organizations, which as such may menace the social safety, and so fall under the cognizance of social law. In all cases where it is safe to restrict the action of law to overt acts against society, paying no regard to mere tendencies, it is manifestly just and wise that the action of law should be so restricted. But Cromwell was never in circumstances to allow of its being safe that he should take that course. With him, the church of Rome, and the church of England, were not so much churches as political organizations, with which it became him to deal politically. On the whole, the rule of the Independents, notwithstanding its occasional arbitrariness and severity, was more just and more tolerant than any rule that had been known in England since the conquest. What was done, moreover, in that direction, was little, compared with what would have been done had not the stern law of self-preservation interposed to limit such action. Had the new power been allowed to become permanent, the names of Cromwell and Milton are sufficient to assist us in imagining what the England of the future might have been. But even the greatest master-builders may fail when the material to their purpose is not at their disposal.

BOOK XIV.

COURT AND COUNTRY.

CHAPTER I.

RESTORATION AND REACTION.

Causes of the Restoration.

WE have seen that the Revolution which ended in the death of Charles I. left so little from the past as to insure divided counsels in the party which became ascendant, and a relentless hostility in the party defeated. It was a change which had been carried so far as to have become unnatural. It had ceased to be a growth. It had become a dislocation. So the future was charged with suffering and restlessness; and with those consequences came the probability of a restoration. The promise of a more settled liberty, so long since made, and so little realised, could no longer inspire confidence. Oppressions which in the case of a government so conditional were unavoidable, had continued to irritate, and to deepen all the old resentments of the vanquished party. And when the strength of the cavalier royalists became reinforced by the royalist feeling of the Presbyterians, the fate of the commonwealth may be said to have been sealed. It had no chance of continuance, except as a strong military power, largely substituting its own will in the place of the law. The death of Cromwell was the fall of that kind of power, and with that fall came the fall of the republic. In appearance, this catastrophe was brought about mainly by divisions in the army; by the artifice and treachery of Monk; and by the large pro-

mises which the king, and the royalist party through the kingdom had made. But affairs were fraught with reactionary tendencies which could only lead to one issue. The conduct of Charles I. had made a republic a necessity; and a republic imposed upon a nation so little republican, had made it all but certain that a time would come in which a restoration would, in its turn, become a necessity.

The ministry.

It was the good fortune of Charles II. in the early years of his reign, to be under the influence of men who were not without considerable claim on the public confidence. The selection of the persons to constitute his majesty's council was attributed to Clarendon, who became its leader, and lord chancellor. His immediate associates were the duke of Ormond, the earl of Southampton, Sir Edward Nicholas, and lord Culpeper.

Ormond.

Ormond was a chivalrous royalist. He was not disposed to encourage any alarming inroad on the constitution; nor was he a man to present a firm resistance to a policy of that nature, especially when known as coming from the crown. He was an accomplished courtier, distinguished by a graceful person, a ready wit, and great cheerfulness of temper. He was regarded as a sincere Protestant. His ability was not of a commanding description; but he was capable of efficient public service, and, on the whole, few men during this reign possessed so much public virtue.

Southampton.

The earl of Southampton had joined in the impeachment of Strafford, but soon withdrew to the king, and became zealous in his endeavour to save the country from the horrors of civil war. He was one of the most popular noblemen of his time, and may be described as a constitutional royalist. After the part he had taken in the war he lived in retirement.

Nicholas. Culpeper.

Nicholas was a man of integrity, industry, and knowledge of business. Culpeper had been master of the Rolls under the late king. He was devoted to what he deemed the just pretensions of the crown, but showed little zeal concerning church matters. His

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judgment on affairs was commonly sound; and he could state his case well, but there was considerable roughness in his manner of expressing himself. Clarendon had shared years of exile with his sovereign. In his policy, the crown took precedence of the nation, and the church took precedence of the crown. In a sense, he was patriotic and religious, but it was after a manner to have been expected from a man of such principles.

Clarendon.

Old parliamentarians in the council:

But the new council was not restricted to such men. In the earl of Manchester and lord Say; in Annesley, created earl of Anglesea; in Denzil Hollis, now lord Hollis; and in Ashley Cooper, now lord Ashley, the expectant cavaliers saw their old enemies raised to the place of honour. Manchester had not taken any part in public affairs since the passing of the self-denying ordinance. He was still a Presbyterian, but had favoured the return of the king.

Manchester.

Say.

Lord Say, also, had long since withdrawn from public life, and though of a less pliant temper than Manchester, his new friends had no reason to doubt his steady adherence to the new order of things. Annesley was an expert lawyer; but so much at the service of any party, that he lived to find himself the contempt of all parties. Hollis had been the leader of the Presbyterians in the Long Parliament until the crisis which turned the scale in favour of the Independents. He then left England, and became one of the most restless and violent opponents of the men who had frustrated his short-sighted and intolerant policy. 'You are,' said Hollis to the king at Breda, 'the light of our eyes, the breath of our nostrils—all 'our hope.' Lord Ashley, better known as the earl of Shaftesbury, had been devoted successively to the king, the parliament, and the protector. His ability was sufficient to have made him powerful. But he was indebted for his present distinction to the friendship of Monk, now duke of Albemarle, and to his relationship with Southampton, whose niece he had

Annesley.

Hollis.

Ashley.

married. From this council a secret committee was formed, which, under the cover of attending to foreign affairs, regulated all public business. This committee consisted of Clarendon, Ormond, Southampton, and Albemarle, together with Nicholas and Morrice, the two secretaries of state.* Secret committee.

The army of the commonwealth was not an army to be used so as to further the policy of the king, or of his brother James. The disbanding of it was assigned to the management of twelve commissioners, six from the upper, and six from the lower house. Care was taken that the men and officers should all receive their full arrears. High praise was bestowed upon them by the king, by the two houses, and by the chancellor. As the day approached, regiments and detachments were assembled separately in different parts of the country. Nearly thirty thousand men, who had come together amidst the disorders and excitements of civil war, and who had been familiar, many of them during twice seven years, with the unsettled habits of the soldier's life, were so little corrupted as to be seen dispersing with the sobriety of a village troop returning to their wonted occupation after some day of ordinary military exercise. No roadside inn witnessed a brawl of their creating. No cottage door ever saw one of their number in a beggar's garb. Ceasing to be soldiers, they dropped quietly into their old honest ways, to be known from other men only by their more sober habits and more thoughtful industry.† The army disbanded.

Only a few days after the landing of his majesty, a proclamation was issued, which called upon the judges of the late king to surrender themselves within a given time, on pain of being excluded from the bill Proceedings against delinquents.

* Continuation of Clarendon's *Life*, 3, 4, 12-19, 24-27. Burnet, i. 94-99. *Parl. Hist.* iv. 36. Ralph's *History of England during the Reign of Charles II. and James II.*

† Clarendon's *Life*, ii. 18-20. *Parl. Hist.* iv. 115, 116, 145. Ralph, i. 20, 21.

of indemnity passed in favour of delinquents. The commons declared that when the interval mentioned should have closed, no mercy would be shown to such as had not obeyed this summons. It was urged by the lords, that even to the nineteen who came in, nothing beyond a fair trial should be ceded. Five persons were excepted from the indemnity by name, though not regicides. It was also decided that capital punishment should be inflicted on every man who had sat in judgment upon a royalist in any court of justice. To crown the whole, it was proposed that the relatives of Hamilton, Holland, Capel, and Derby, should each name a culprit in a list presented to them, whose blood should be shed as some compensation for the death which had been inflicted on their kinsman. In three instances a man was named, and the execution followed. No mention was made of Lucas or of Lisle.

The regicides.

The commons, however, continued to evince more humanity, and a wiser sense of justice than the lords. They saved the regicides who had obeyed the royal proclamation, and thus rescued the king from the breach of faith in which the peers, with Clarendon at their head, would have involved him. But the compromise agreed upon, after three months' deliberation, left fifty-one persons concerned in the king's death to receive trial. Judgment of death was passed on the regicides without exception. Of the ten who were selected to suffer as traitors, six only had signed the warrant which brought the king to the block. These were Scot, Harrison, Scroop, Carew, Clements, and Jones. Numbered with these were Hugh Peters, the army chaplain; Coke, who had acted as solicitor-general at the trial; and, what seems to be much more difficult to justify, Axtell and Hacker, the officers who were appointed to act as guards over the captive monarch. The sentence of the law against these persons, full of barbarity in itself, was carried into effect with a studied cruelty, the description of which could

be only revolting to the reader. The sufferers all met their fate without dismay. In place of confessing themselves the greatest of criminals, they boasted of the act for which they were thus doomed as the most honourable of their lives.* The bodies of Bradshaw, Cromwell, and Ireton, were taken from their tombs in Westminster Abbey, drawn upon hurdles to Tyburn, were there suspended upon a gallows from morning to evening, and then thrown into a hole on the spot prepared to receive them. The heads of those grand delinquents were fixed over the gateway of Westminster Hall.

The new parliament would have added to the victims of the gallows, and of the axe of the executioner. But those who had perished had shown themselves brave men: the popular feeling was not found to be in favour of these savage proceedings against the living and the dead; and Charles discouraged the further prosecution of this policy. The only additional bloodshed was that of Sir Harry Vane.

Sir Harry Vane.

Vane had protested against the trial, and still more against the execution of Charles I. But the charge preferred against him was that of high treason, and its overt act was said to have been his taking part with the government which had expelled the king and usurped his authority. It was obvious that this charge might be made to implicate any man who had become in any way a party to the proceedings of the Long Parliament. Vane pleaded a statute of Henry VII., which justified obedience to a government existing, though holding the place of a government regarded as having a better title to exist. His opponents descended to maintain that the existing government supposed in that statute was government in the hands of a king, not in the hands of a pretended par-

* *Parl. Hist.* iv. 65, 71, 73, 80, 88, 91, 96. Clarendon's *Life*, ii. 129-134. Howell's *State Trials*, v. 1231 et seq.

liament or commonwealth; and Charles II., it was alleged, had not ceased to be king from the moment of his father's decease. According to Sir Edward Coke, and other great law authorities, this pleading was altogether invalid. It must be clear, that a construction of the statute which might have sufficed to send every parliamentarian in England to the block could not be a just construction.

But the course taken in this case had been dictated partly by fear and partly by revenge. Vane had contributed more than any man now living to the death of Strafford. To his capacity and energy the parliament was largely indebted for the name which it acquired soon after the death of the king. At the bar, instead of copying the submissive tone of Lambert, who was tried with him, and who crouched before a court of justice as he had never done in the field, he dared to vindicate his conduct, and to insist that it did not become him to ask clemency from any power on earth. He claimed acquittal as a matter of right. Charles was much offended by this language. Writing immediately to Clarendon, his majesty said, 'He is too dangerous a man to let live, if he can honestly be put out of the way.' The king had promised to the convention parliament that both Vane and Lambert should be spared as to life. Lambert was left to end his days as a prisoner in Guernsey, and Vane was sent to Tower Hill.

At the place of execution, the great statesman exhibited the strength of religious feeling, and the unshaken integrity and courage which had marked his public life. He would have addressed the populace; but it had been deemed important to prevent his doing so, and a novel expedient was resorted to for the purpose. No sooner had he begun to speak, than a signal was given, and the noise of drums broke forth, so as to render his voice inaudible. He then bowed respectfully to the crowd, and submitted to his

sentence 'with so much composedness, that it was 'generally thought the government had lost more than 'it had gained by his death.'*

The course taken in this trial did not promise well for the future. Nor could any state offender be sure of justice from the hands of a judge, from the bar, or from a jury, so long as a Stuart sovereign was upon the throne. He might plead the provisions of Magna Charta, of the Petition of Right, or of the law of treason; but the government had only to resolve that law should be suspended, and that sentence should be given against its victims, and, with very rare exceptions, the men who had the lives of their fellow-subjects in their hands, became the tools of the superior power.

The present not wholly a restoration of the past.

But it must not be supposed that the English government became at the Restoration in all respects such as it had been before the civil war. It was decreed, indeed, by this house of commons, and by more than two-thirds of its members, that the League and Covenant—the instrument of which the king had declared his approval on oath in three several instances —should be burnt by the hangman. It was declared also, that there is no legislative power in lords or com-

* *Journals* of Lords and Commons. Howell's *State Trials*. Blackstone, Book iv. c. 6. Burnet, i. 163, 164. *Hume* has observed on the proceedings against Vane, that 'the court considering more the general opinion of his active guilt at the beginning and prosecution of the civil wars, than the acts of treason charged against him, took advantage of the letter of the law, and brought him in guilty.' It is not easy to extract any portion of consistent meaning from this language. Mr. Phillips, in his *State Trials Reviewed*, remarks on this passage, 'How the court could take advantage of the letter of the law without considering the articles of treason charged, it is not easy to understand, since the articles which formed the charge must be founded on the words of the law. But the principal defect of the passage referred to is, that it represents the case of Sir Harry Vane as strictly within the letter of the law of treason, which is a most erroneous opinion; for there is scarcely any case among the State Trials so much out of the strict and plain *letter* of the law, and after the remarks of Mr. Justice Foster, which have been before mentioned, it will be thought to be not within the *spirit* or *principle* of the law.'—i. 285, 286. Rawdon *Papers*, 166.

mons, or in both conjointly, apart from the king; that the command of the forces pertains beyond doubt to the sovereign; and that no parliament can possibly possess the right to levy war against the sovereign. The statute of treason was made more comprehensive. On the pretext of former excesses, the right of petitioning was so far limited as to be almost destroyed; and every member was required to take the sacrament according to the form of the Church of England, on pain of losing his seat. But there was to be no restoration of the court of Star Chamber, or of the court of High Commission. Ship-money, loans, benevolences, the old trade monopolies, and many old feudal grievances, were to come to an end. The crown ceased to tax the subject without consent of parliament. These results were immediate; and much seed had been sown, the fruit of which was to appear in its season. So the experiences of the past were not wholly lost on the present.

The revenue.

The annual revenue of the crown was raised to 1,200,000*l.*; and to make up this amount, the excise laws, introduced by the commonwealth, obnoxious on many grounds as they had become, were perpetuated. But on the other hand, the burdens imposed by the crown according to the old feudal usage concerning marriages, reliefs, and wardships, against which so many parliaments had remonstrated, and remonstrated in vain, were brought to an end. If the larger revenue assigned to the crown seemed to render the sovereign more independent of parliament than formerly, it must be borne in mind that a larger expenditure had become inevitable.

Change in public feeling between 1660 and 1680.

If we now suppose twenty years to have passed since his majesty's happy restoration, we shall find that a great change has taken place in the opinion and feeling of the English people—a change of such significance that it may well be described as constituting one of the Revolutions in our history. The convention parliament which restored the monarchy, was

dissolved at the close of 1660. The parliament convened a few months later continued to sit to 1679. In this interval, men who in their subserviency to the crown had appeared to be in danger of forgetting that they had a country, seem to have become the inverse of what they had once been. The same English house of commons, from being the most confiding of assemblies has grown to be the most suspicious. The language of patriotism, such as no man would have dared to utter in 1660, comes from the lips of men of all ranks in 1680. The reality, indeed, does not always keep pace with the pretension. Public and private interests are too often exposed to hazard by party animosities. But the change of feeling is substantially a change from servility to something much better. The established church is still venerated. Popery is still named with execration. But in the estimation of a majority of the lower house, the Protestant Nonconformists are pious men and good subjects, and the denunciation of Popery has respect to that system mainly as the known and treacherous ally of arbitrary power. Concerning civil liberty, the spirit of the house of commons dissolved in 1679, and of that convened in 1680, is the spirit of the assemblies led by Coke and Eliot; and that of the Long Parliament when engaged in its memorable debate on the Grand Remonstrance. The doctrine of non-resistance they leave to the homilies of the clergy; for themselves they repudiate it as at variance with law, with common sense, and with humanity. No government, they affirm, shall raise money from the subject without the consent of parliament. No grant shall be made by parliament without appropriating it to its specific object. No sovereign shall presume to exercise a dispensing power. The king shall be subject to law. The right of the commons to impeach the ministers of the crown shall not be questioned, nor shall the crown interpose its pardon or indemnity to save an impeached minister from the free judgment of the legislature. No man

shall be imprisoned without a specified and lawful cause, nor without permission to claim a speedy and fair trial by a writ of habeas corpus. Even the succession to the throne, in place of being, as some weak men plead, by a special and divine law, is dependent, in common with succession everywhere, on the law of parliament. These facts indicate a great change.

Causes of this reaction.

The characteristic elements of the reign of Charles II. will be found in the causes which produced this revival of the great maxims of the constitution. We shall place some of the most influential of these causes before the reader.

Royalist claims in relation to property—Discontent from that source.

At the Restoration, it was seen that many grave questions concerning property would arise, and must be settled. Many zealous royalists sold their estates in the service of the king. Many had been deprived of them by acts of the late government. Such persons now hoped to be restored to their possessions, or to be reimbursed in some way for the loss of them. Charles, in his declaration from Breda, had promised that all questions of this nature should be left to be determined by parliament, 'which could best provide for the just satisfaction of all concerned.' Many persons, without waiting for a warrant of any kind, made a forcible entry on their former lands and tenements. Charles was obliged to move in this business, and a commission was appointed by the two houses to arbitrate on all such cases. It was decided that no remedy could be given to those who had voluntarily sold their lands, however laudable their intention, the sale being their own act. Those who had purchased crown lands were left for the most part in possession of them. Those who had purchased other confiscated property, not belonging to the church, were generally allowed to remain as tenants on moderate conditions. But the new owners of church property were obliged, in nearly all instances, to surrender it to its former uses at an entire loss. The prelates, and the more wealthy of the clergy, were charged with pursuing a system of the

most merciless exaction. Burnet reckons the amount raised by their lordships in fines on the renewal of their leases at 'about a million and a half,' and laments that such enormous profits should have been absorbed in a few private families, while there were so many poor livings so greatly needing augmentation. It should perhaps be stated, that Hacket, the bishop of Lichfield, expended 20,000*l.* of the money so obtained, in the repairs and improvement of his cathedral. On the whole, it is easy to see that the effect of this settlement—if settlement it may be called—would be to call up a large mass of discontent in all parts of the kingdom. The complaints of the expelled owners of property were loud and bitter. The disappointment of the needy cavaliers was not less difficult to bear. Such were some of the scattered clouds which speedily followed the sunshine of the Restoration.*

The case of the Nonconformists.

Still deeper, if less outspoken, were the disappointment and grief occasioned by the course of the government and of the parliament in relation to ecclesiastical affairs. Charles, in his declaration from Breda, had promised to be careful of tender consciences; had said that no man should suffer on account of his religious opinions; and that he would be ready to give his assent to acts of the legislature which should tend to heal all such differences. If left to himself the king would no doubt have been faithful to his pledge, with the reserved condition, that the leniency of his administration towards the Puritans, might be coupled with a relaxation of the penal laws against Catholics. But it was found, after various experiments, that this condition could not be carried; and this secret project being frustrated, his majesty felt little interest in a liberality to be exercised simply in favour of the Puritan clergy. This feeling influenced his policy on ecclesiastical

* Clarendon, *Life*, 17, 18, 20-38, 184-189. *Stat.* 12, Car. II. c. 17. *Parl. Hist.* iv. 80, 81. *Life of Calamy*, i. 51. Kennet's *Register*, 312. Burnet's *Hist.*

questions during his whole reign. His decision was that Protestant Nonconformists and Catholics should be tolerated together or suffer together.

The church loses her opportunity.

But an opportunity was now presented for introducing such modifications into the polity or worship of the established church as might seem desirable, without allowing it to be for a moment supposed that the concessions made were made from a sense of weakness. The majority of the bishops, however, were opposed from the beginning to concessions of any kind. Clarendon strengthened them in that opposition; and the conference between the prelates and certain of the Presbyterian ministers in 1660; the new Royal Declaration afterwards; and the more formal conference at the Savoy which followed—were all, so far as Clarendon and the prelates were concerned, only so many expedients to gain time, and to accomplish their ultimate purpose the more effectually. So long as the convention parliament was sitting, the number of Presbyterians in the lower house precluded all hope of carrying any high church scheme by means of that assembly. But when the parliament of 1661 was convened, the dominant feeling in the new house of commons proved to be nearly everything that Clarendon, or even archbishop Sheldon, could have desired. The result was, that nearly everything to which the Puritans had been wont to take exception was to be perpetuated, and much of the same exceptional kind was to be added to it. Such was the policy approved by the bishops, by the two houses of convocation, and by the two houses of parliament.*

The Act of Uniformity.

By the new Act of Uniformity it was demanded of every clergyman who would retain his living, that he should accept the Book of Common Prayer as adopted by convocation and by the parliament; that if ordained by presbyters only, he should consent to be ordained by a bishop; that he should repudiate the League and

* Baxter's *Life and Times*. *English Nonconformity*, Book ii.

Covenant, and all oaths that may have been taken in relation to it; that he should declare it to be unlawful to take up arms against the king under any pretence whatsoever; and that he should further declare his unfeigned assent and consent to everything contained in the Book of Common Prayer, as being in no way contrary to the word of God. The day fixed for compliance with these terms was the twenty-fourth of August 1662. On that day nearly two thousand clergymen relinquished their cures rather than retain them on such conditions. In their view, conformity was not consistent with integrity, and they made the better choice.

More penal laws.

No doubt, the bishops, and the royalists generally, had suffered much from the hands of the party now felt to be at their mercy. But they had given pledges to this party which it became them to redeem. And while some allowance may be made for the remembrance of old wrongs, the services which the Presbyterians had rendered to their old antagonists in their efforts to restore the king should not assuredly have been so wholly forgotten. Nor was it enough that vengeance should fall thus heavily on the clergy. By the Corporation Act, which exacted a renunciation of the covenant, and the pledge of passive obedience from all corporate bodies and magistrates, the Presbyterian laity were excluded from all civil offices. By the Conventicle Act, all persons assembling for worship apart from the established church, were subjected to fine, imprisonment, and it may be to transportation. At length, to give completeness to this machinery, the Five Mile Act was passed, which banished the ejected ministers to five miles distance from any borough sending a member to parliament, and from any place where they may have exercised their ministry.* So Puritanism was not only to be crushed

* Stat. 13 Car. II. cap. i. Part 2; 16 Car. II. cap. iv.; 17 Car. II. cap. ii. Dr. Walker, in his *Sufferings of the Clergy*; bishop Bramhall; the author of

out of the establishment, but if possible out of existence.

Such was the settlement in ecclesiastical affairs brought in by the Restoration. The men who were the authors of these public measures knew the state of the public feeling. What they did may be taken as evidence of what they felt it would be safe to do. The people generally seemed willing to believe that the king could do no wrong; and upon the church, both people and parliament were ready to lavish wealth and power even more freely than upon the crown. Sober men, who saw this folly in its true light, discoursed concerning it among themselves, but rarely ventured to give public expression to their thoughts. The few men of this character in the upper house said little; and the fifty members, scarcely more, in the lower house, who might be classed with them, could not hope to make themselves felt, except in relation to questions on which the majority happened to be themselves divided.

When the penal laws mentioned came into action,

Persecutio Undecima, and some other strong partizan writers, have given highly rhetorical and exaggerated accounts of the injuries done to the royalist clergy by the late powers, as a set-off against this treatment of the Nonconformists. The number of ejected clergymen surviving in 1660, to claim their former cures according to the call of the parliament, were not certainly more than some five or six hundred; and from this fact, it is clear, according to the opinion of some of our best actuaries, that the number of clergymen *permanently* ejected between 1640 and 1660 could not have been more than about 1000. Some 2000 had probably been so deprived, but half that number must have resumed service in the church satisfactorily to themselves before 1660. No candid man will deny that the Episcopalian clergy often suffered wrong in those times in the districts where the parliament was ascendant, much as the Puritan clergy suffered where the royalists happened to bear sway. But the reader has seen, there was often a valid excuse for coercion before the Restoration. There was none afterwards. The Nonconformists were prepared to prove themselves faithful subjects to Charles II. whether admitted within the established church or merely tolerated. For a fuller investigation of this subject, I must refer the reader to the volume intitled *English Nonconformity*, Book i. c. iv.

the jails through the kingdom overflowed with victims of all descriptions, both ministers and laymen, including a special number of Quakers. Conscience, which would not allow these people to conform, compelled them to be worshippers. Nor were the numbers of these confessors to be diminished by fines, by imprisonments, or by the threat of heavier penalties. Some ten years after the Restoration the duke of Buckingham deemed it expedient to seek suffrage from this quarter in favour of the government. Charles also issued his well-known Declaration of Indulgence, which gave a licence to Nonconformist ministers to preach, and liberty to use certain places for public worship. Within a few months more than three thousand applications were made for licences of that nature. When the Test Act was introduced, with the intention of excluding Catholics from the house of commons, and from all places of trust under the crown, the Nonconformists were content to be themselves so excluded, rather than see the constitution endangered by the intrigues of that party. By that act of patriotism they won great praise. But their assailants were often men without honour or conscience. Conspicuous among antagonists of that description were Roger L'Estrange, and Parker, afterwards bishop of Oxford. The learning of Dr. Owen, however, and the wit of Andrew Marvel, more than sufficed to give expression to their sense of injury, and to vindicate their claims.

Never had England been in greater need of men capable of raising a protest against selfishness, profligacy, and arbitrary power. The scruples avowed by Nonconformists were often such as we should ourselves deem trivial. But the feeling which made them Nonconformists was not trivial. To conform, in their case, would have been to profess a belief in what they did not believe, and an approval of things which they did not approve. Their answer, in brief, was—We cannot lie—we cannot affect to be what we are not. Such men, wherever you find them, are the good leaven

of the state, and will save it, if it may be saved. At that time every bishop on the bench, every incumbent and curate, every magistrate, every schoolmaster, and every exciseman through the kingdom, stood pledged to the doctrine of non-resistance. It was left to the Nonconformists to forego all public place or emolument rather than submit to be bound by that servile dogma. The measure in which the moral sense of a people is so far enlightened that they must be honest, is the measure in which they must be free. Nothing can prevent it. The great 'country party' which was to make its appearance among us soon after the Restoration, never failed to calculate on the services of the Nonconformists when engaged in upholding the cause of civil and religious liberty. The Act of Uniformity insured the existence of a strong nonconformity; and it was in the nature of dissent as thus originated, that it should be opposed to all arbitrary power, whether in church or state. In this manner the policy which was designed to crush the spirit of liberty was made to subserve it.

Vices of the court.

Strong was the contrast between English nonconformity and the English court. But the virtues of the former, and the vices of the latter, were to have their place among the means which tended to sober the thought of the nation, and to bring about in its time a wholesome reaction. The court was a world in itself, and a world which cared very little about anything beyond itself. The man who should there avow himself as concerned about some public principle, or some public interest, would have been gazed upon with amazement, and have been judged at once as fool or knave. Buckingham, Rochester, and Killigrew were the model men in that circle—men who lived amidst gallantries, and despised all men who did not so live. It was a region in which few women could be safe before marriage, and where they nearly all seem to have been busy in laying snares for new lovers after that event. Even the duke of York was not much

more mindful of the sacredness of the marriage vow than his brother. Women cultivated the external attractions, and the ease and skill in conversation which were necessary to secure admiration. But of anything deserving the name of mental development, the court beauties of that age were nearly as destitute as the inmates of a Turkish harem. They lived amidst a circle of rivals and admirers, and their talk was a tissue of personal scandal. Such were the women who had come into the place of the Parrs and Greys and of the Elizabeths and Hutchinsons of past times. It should be added, that commonly, the love of hard drinking, and of deep play, went along with the love of intrigue, and together they threatened to flood the land with licentiousness. 'At court,' says a court authority, 'things are 'in a very ill condition; there being so much emula-'tion, poverty, and vices of drinking, swearing, and of 'loose amours, that I know not what but confusion 'will be the end of it. In short I see no content or 'satisfaction anywhere, in any sort of people.'* Pepys thus wrote soon after the Restoration. Through every year the stream flowed on to the close of this reign, becoming only more impure as it continued.

Character of the king.

We scarcely need say, that in all these respects, the English court was a reflection from the habits and character of the king. Before the landing of his majesty at Dover, it seemed not unreasonable to hope, that a prince whose education from circumstances had been such as the heir to a sceptre has rarely known, would be found to have learnt some lessons which persons in such high rank do not often acquire. His presence was agreeable; and there was ease, affability, and dignity in his manner. His capacity was above the ordinary level. His temper was cheerful and genial. But his early education, in the common meaning of that term, had been neglected, and he had done nothing by voluntary effort to supply that deficiency. The

* Pepys's *Diary*, i. 115, 141, 284 et alibi.

intelligence which characterized his conversation, was of the sort which a man of parts acquires by mixing with the world. It had little relation to books. He was not naturally cruel. But many of the death warrants signed by him were an outrage on justice and humanity. His apparent goodnature was too often only another form of his selfishness. To be much moved by anything was to be inconvenienced — troubled. The tendency in him which subordinated every other to itself was the love of ease and indulgence.

The developments of human nature which had surrounded Charles II. from early life were extraordinary. Many of these he would be taught to regard as charged with hypocrisy and wickedness. But the devotion of multitudes of Englishmen to the cause of his family, had been the devotion of a most self-forgetful loyalty. All these revelations, however, of the generous and noble in humanity seemed to be wholly lost on Charles Stuart. Mankind, in his view, were governed by selfishness, varied in its modifications and disguises, but still selfishness. He had no faith in the chastity of woman, nor in any real virtue among men.* Hence he never felt the weight of an obligation; and, if we except his relation to his kindred and his mistresses, he scarcely seemed to be capable of gratitude or of affection. But with all his contempt of human nature he could not live out of society. He was an incessant talker, always pleased to hear or to relate anecdote and gossip; and the men and women about him were of

* Reresby, describing what was taking place in 1680, says, 'I was at the king's *couchée* when there were but four present. His majesty was in very good humour, and took up some time in displaying to us the fallacy and emptiness of those who pretend to a fuller measure of sanctity than their neighbours, and pronounced them to be for the most part abominable hypocrites, and the most arrant knaves: as instances of which he mentioned several eminent men of our time, nor spared to introduce some mitred heads among the rest, whom he pretended to be none of the best, though their devout exterior gave them the character of saints among the crowd.' *Memoirs*, 110, 111.

a character to perpetuate pleasure in that form. Often his 'broad allusions' were such as could not be listened to by modest ears. Since the days of Jane Shore no king of England had been known to retain a mistress. Charles, as every one knows, took up a succession of them, gave them the first place next to the queen in the arrangements of the palace, and in the rank of the court. It was well known also, that these instruments of his pleasures were supplemented by others who could not be so exhibited, such as Nell Gwyn and Mary Davis, to say nothing of a still lower class. Nor was it less notorious, that while the royal patronage was largely exercised through these channels, these ladies were scarcely more faithful to the king than the king was to them.

In politics, it was his majesty's settled conviction, that a sovereign whose ministers are liable to be controlled and impeached by a parliament, must be a sovereign only in name. The government, accordingly, to which he would have had all others conformed, was the purely monarchical government of France under Louis XIV. He had not the smallest sympathy with anything distinctive of English liberty, and submitted to any limitation of his power from that source as to a most unwelcome necessity. In regard to religion, in so far as he felt any preference at all on that subject, he may be said to have been a Romanist. His common observation was, that the machinery of the Roman church tended more than any other to insure power to the priest, and in consequence to insure power to the magistrate. Moreover, the final authority assumed by that church must have been welcome to a mind so impatient of thought; and the flexibility which has always characterized the Romish discipline in relation to crowned heads, must have been a great convenience to a person so little capable of self-restraint. The licentious propensities of the restored king became known through the court and beyond its precincts, from the first night after his

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arrival in London; and nearly all writers agree with bishop Burnet, in speaking of 'the mad range of pleasure' to which his majesty abandoned himself, as a main cause of the embarrassments, disgraces, and inquietude which attended him to the close of his reign.*

Character and policy of the duke of York.

The duke of York was in nearly in all respects the contrary of the king. Whatever Charles saw he saw at a glance. But James was slow of perception, and while he saw things slowly, he never saw far enough into them to unite the slow with the sure. The king was rarely steady to his purpose. Often a slight pressure from without sufficed to change his action, if not his opinion. The duke, in common with many weak men, seemed as if determined to compensate by obstinacy for his deficiency in intelligence. To the king, business was an annoyance. With the duke it was the object of choice. In religion, too, Charles showed no trace of earnestness; while James was a bigot of the most restless and intolerant description. But the two brothers were agreed in regarding the Catholic religion as the only religion proper to a king; in execrating the restraints imposed on the royal authority by the English constitution; and in resolving if possible to substitute a government like that of France,

* Burnet, i. 93, 94. Reresby's *Memoirs* and Pepys's *Diary*. Speaker Onslow, in one of his notes on Burnet, says, 'Charles had neither conscience, religion, honour, or justice, and he does not seem to have had even the feeling of them. He had no one truly public aim as such during the whole course of his reign. All he meant and sought, for which he trembled and tossed from side to side, from one minister to another, and for which he was continually cheating his people, was to enjoy a lazy, thoughtless ease, in the constant debauchery of amours, and in the pleasures of wit and laughter, with the most worthless, vicious, and abandoned set of men that even that age afforded, and who often made him the subject of their jokes and mirth, sometimes to his face. He was corrupted in France; and had all the pleasantry and vices of his grandfather Henry IV., but not one of his virtues. Charles made the times here to be profligate; and instead of ministers spoiling him, he spoiled most of his ministers, and did not love those whom he could not spoil.'

in place of the government settled by law in this country. So intent were they upon this object, that there was no depth of meanness to which they were not prepared to descend in the hope of accomplishing it.

Conduct of the government in its relation to the reaction.

The government of England in such hands became, as it could not fail to become, a perpetual treachery. The good men in it—who were very few—could not do as they would; and the bad men reaped as they had sown. The Clarendon administration extended to the year 1667. The Cabal ministry, which succeeded, retained its place to the year 1673. The ministry of the earl of Danby which followed, terminated amidst the feeling we have described as presenting so remarkable a contrast to the extravagant loyalty which burst forth at the Restoration. The transactions and characteristics of these successive administrations reveal many of the causes of the great change which came over the public sentiment.

History of the Clarendon ministry.

Notwithstanding the liberal grants of parliament, the want of money, which Charles felt to the end of his reign, may be traced to the beginning. The expenses of the government, and the personal expenses of the sovereign that could not be reported, soon consumed all that came into the exchequer. The jointure which his majesty obtained with his queen, the Infanta of Portugal, was large, but was so burdened with stipulations as to afford small relief.

Sale of Dunkirk.

In an evil hour, Clarendon suggested that Dunkirk —still in possession of the English—should be sold to the French, and the purchase-money applied to meet the present necessities. Charles consented. The members of the council were divided. Every man betrayed his solicitude to be free from the responsibility of the transaction. The sale, however, was effected, at the sum of 500,000*l.* The people fastened the blame of this proceeding on Clarendon, and they were right in doing so. The name of 'Dunkirk house' was given to a superb mansion built by the chancellor. But it

does not appear that the minister had enriched himself by this unpopular and disreputable project.* All men remembered the ceremony with which the keys of Dunkirk had been placed in the hands of Cromwell, and made comparisons between those days and the present.

In the session of 1663, the censures passed on the government were so severe, and the determination of the commons to reserve to themselves a strict control over both taxation and expenditure was so marked, that Charles expressed his regret on witnessing such signs of a falling off from their former alacrity in his service. By fair promises, however; by complying with many of the demands made upon him; and, above all, by professing a willingness to submit the public accounts to the inspection of a committee, his majesty succeeded in obtaining a grant of four subsidies. The session in the early part of 1664 made no further grant, except in allowing the king to collect what was called the hearth-money—a small yearly tax on every chimney.† But the two houses were assembled again in the autumn, when the call for the Dutch war had become so vehement, that the commons voted an annual grant of 800,000*l.* in support of it, over the next three years.‡

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* Combe's *Fall of Dunkirk*. Clarendon's *Life*, ii. 383-391. *Papers*, xxi-xxv. *Lettres d'Estrades*. Pepys, ii. 369.

† It was not before 1666 that the commons succeeded in establishing their right to appropriate supplies, and to audit public accounts. Precedents of this nature could be adduced from the time of the Plantagenets; and the practice had been resumed in the parliament assembled a little before the death of James I. Clarendon resisted this demand with great vehemence. But his power was on the wane, and the king in making the promise, hoped that means of evading it might not be difficult. More than half the four millions voted for the Dutch war was spent in ways of which no account could be given—that is, upon the king's mistresses, &c.—*Parl. Hist.* iv. 234-237, 238. Pepys, Sept. 23. Oct. 8-10, 1666, pp. 216, 277, 278.

‡ The difficulty of naming the sources from which this large sum should be obtained, led to a new mode of taxation which was attended by some

The first Dutch war.

This war came not so much from any fault in our statesmen, as from the commercial ambition of the people. In this policy our ancestors proclaimed, to their great dishonour, that the gains of English trade were much more precious in their estimation than the interest of European Protestantism. The Dutch and French intrigued with all classes of the disaffected in this country, in the hope of weakening the hands of the government. An attack was to have been made on the Dutch East Indian fleet at Bergen, by means of an iniquitous collusion between the English authorities and the king of Denmark. Nothing, in short, could be worse than the insincerities which characterized this struggle.*

In three of the most formidable engagements in our naval history the English flag was victorious. But flattering as these successes may have been, the cost of them had been enormous; and Charles knew the indisposition of parliament to make any farther grant of money, except upon conditions that would be very unacceptable to him. An economical policy was in consequence adopted. All ships of the first and second rate were laid up. Such a force only was kept afloat

important consequences. The old mode of raising money by subsidies, ceased. We hear no more of tenths or fifteenths. From this time, the revenue is raised according to our present system, and this system is extended to church property in common with lay property. It was to be seen, however, that when convocation had allowed the power of taxing the property of the church to pass from its hands, it had really lost all its power. From that time it became the harmless gathering we now know it to be. The clergy obtained the right of voting as freeholders at elections, but that was their only compensation. It is remarkable that so great a change in our constitution should have come in by an instance of sufferance, and that the sufferance should have been tacitly allowed to become law, and this, too, at a juncture when the church feeling ran so high.—Echard's *Hist. Eng.* 818: Ralph, i. 109. Clarendon's *Life*, 368-374.

* *Parl. Hist.* iv. 292-308. In the list of names signing the declaration of war, the names of Clarendon and of Southampton do not appear. Arlington's *Letters*, ii. 17-48. D'Estrades, 234, 264, 276, 277, 280 et seq. Clarendon's *Life*, iii. 529, 536. Ludlow, iii. 134-139. Pepys, ii. 125. Ralph, i. 90-109, 116-119.

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as was deemed sufficient to protect the coast, and to inflict injury on the commerce of the enemy.

The Dutch ascend the Medway and the Thames.

The natural effect of this policy soon became manifest. As the summer of 1667 advanced, the Dutch admirals De Witt and De Ruyter, appeared off the Nore with a fleet of seventy sail. Rumours of this threatened attack had been spreading for some while past. Such provision against it as could be made by a government without money and without credit had been made. A fort had been raised at Sheerness, and means were employed to render the Medway impassable. But these precautions were of small value. The invaders made their passage up the river as far as Upnor Castle; destroyed the three first-rates, the 'Oak,' the 'James,'* and the 'London,' and captured the 'Royal Charles.' They afterwards ascended the Thames almost to Tilbury, and continued to insult the coasts and ports of the kingdom with impunity. Even at such a crisis, says a friendly contemporary, his majesty could take 'ten times more pains to make friends be-'tween Lady Castlemaine and Mrs. Stewart, than to 'save his kingdom.'* Royalists could now remember the days of Cromwell, and the different position of England when guided by his hand. By this time, even with such men, blind confidence in the king had given place to settled distrust and displeasure. The Dutch had balanced their account with England. They now wished to be free to guard themselves against France. Within six weeks from the time of their appearance in the Thames, terms of peace were adjusted and signed. But those terms, though less unfavourable than might have been expected, were such that no Englishman remembered without a blush. Dishonour had been cast on the English flag, and nothing had been done to wipe it away.†

* Pepys, iii. 268, 269, 288.

† Evelyn, ii. 287-289. Pepys, iii. 206, 214, 233, 289, 402, 403, 405-435. Arlington's *Letters*, ii. 17-188. Ralph, i. 94-132. D'Estrades, i. 254-394; ii. 521-580; iii. 311-336. *Life of James I.* 405-425.

Fall of Clarendon.

Clarendon's great fault was that he could never unlearn anything he had once learnt. On his mind all that had happened between 1640 and 1660 was so much experience wholly lost. In his estimation, it became the government to begin at the close of that interval as nearly as possible where it had left off. He did not see that those twenty years, whether by their wisdom or their folly, had changed the character of the nation; and that he had to do, not only with a new, but with a different generation. The error was the greatest a statesman could commit, and its mischiefs were great both to the country and to himself. The course which he had taken towards the Nonconformists had made him enemies in every city and town through the kingdom. His high pretensions to morality and to religion, and his formal and haughty manners, had exposed him to attacks of all kinds from the profligate wits at court. And when the results of his seven years' administration were seen in the expenditure of vast sums of money, ending in the sale of Dunkirk, and in the captures made by the Dutch in the Medway and the Thames, the fall of the great minister became certain. Charges were preferred against him which were said to amount to treason. But the men who urged them were men insensible to shame. The ex-chancellor was advised by his friends to become a voluntary exile. Sentence of banishment, however, was passed upon him. He often wrote to the king, and to his connexions in England, entreating in the most moving terms, permission to end his days, and to lay down his ashes, in his native land. But he entreated in vain. His employment during his seven years of residence at Montpelier was in writing his memoirs, and his 'History of the Rebellion.'*

The 'Cabal' ministry.

The duke of Buckingham now came into the place of Clarendon. The ministry formed under his aus-

* Clarendon's *Life*, ii. 156-158. *Parl. Hist.* iv. 276-284, 369-404. Continuation of Clarendon's *Life*, iii. 811-992.

pices is known in history by the name of the 'Cabal' ministry. That name was formed from the initials of his majesty's principal advisers—Clifford, Arlington, Buckingham, Ashley, and Lauderdale. 'In this confederacy there was not a man entitled to the public confidence. Clifford and Arlington were concealed papists. Ashley and Lauderdale were men who could change their policy with any change of circumstances. Buckingham was one of the most reckless and profligate men of his age. The history of the Cabal administration may be said to divide itself into three periods. During the first, the measures were far better than the men. They embraced the formation of the Triple League—in which England, Holland, and Sweden combined to impose some check on the ambition of France: the attempts made to introduce more order and economy into the several departments of the government; and those designed to extend relief to the Nonconformists. But from 1668 to 1671, the great occupation of the English cabinet was in negotiating and protracting the memorable secret treaty with France, which aimed at making Charles independent of parliament by making him the pensioner of Louis XIV., and which was, in fact, a base conspiracy, tending to the overthrow of the Protestant religion, and of the liberties of Europe. During the next two years these offenders continued to descend deeper and deeper in infamy, involving themselves in new difficulty at every stage in their downward course. There were three events especially which served to demonstrate their total want of principle, and to hasten their fall.

There must be war with Holland—The exchequer must be closed.

In 1672 the court was well aware, that with so much discontent in the public mind, nothing but evil could be expected from reassembling the parliament. The duke of York declared it to be his opinion that the time had come in which 'a king and a parliament could exist no longer together;' and that a war with Holland, which would be popular, was the only expe-

dient by which it would be possible to carry on the government, until 'what could not be obtained by mildness might be obtained by force.' The treasurer's staff had been for some while in commission. It was now at the service of any man who could devise means of meeting the present exigency. Shaftesbury suggested that the exchequer should be closed for twelve months, which would place about 1,300,000*l.* of public money at the service of the government. Shaftesbury's colleagues, and the king himself, concurred in this proposal, and Clifford brought it before the council, where no one was allowed to oppose it, unless prepared with some other scheme promising as large an amount of assistance. It was in consequence carried, and a virtual declaration of national bankruptcy was proclaimed. Claimants, indeed, were told, that they should receive an interest of six per cent. during the next twelve months, and at the close of that interval they might recal their principal. But who could attach the slightest value to such promises coming from such men? The derangements of business, the failures, and the consequent suffering which ensued, soon made it evident that more had been lost than gained by this proceeding.*

Attempt to seize the Smyrna fleet.

Not content with the odium of this measure, these men sent an order to the English admiral, Sir Robert Holmes, to capture the Dutch fleet, on its way from Smyrna, in the time of peace. The project failed, but enough was done to show what had been intended. It sufficed to warn Europe that the government of England had passed into the hands of a pirate ministry.†

Second war against the Dutch.

The policy of the duke of York now came into full action. Charles declared war against the Dutch. This act put an end to the Triple League. His ma-

* *Life of James*, 488. Dalrymple's *Memorials*, ii. 80. Burnet, i. 561. North's *Examen*, 37.

† Temple's *Works*, i. 397.

jesty's declaration set forth that the Dutch had refused to strike to the English flag in the narrow seas; that English traders had suffered in many ways from the monopoly and perfidy which characterized the commercial proceedings of the States; that the republic of Holland had allowed a series of insults to be cast upon the king of England; and that war had thus become unavoidable. The Dutch now found England, France, and Sweden in arms against them. A triple league opposed to them had come into the place of that to which they had been themselves a party. But the brave Hollanders frustrated the great military plans of Louis, by laying a part of their country under water. The grand naval engagement at Southwold Bay, where the duke of York was opposed to De Ruyter, gave victory to neither side. The war lingered on during nearly two years. Charles, disappointed by its results, and wearied by the complaints which came up on all sides, signed a separate treaty of peace with the States, leaving France and Sweden to look to their own affairs. But before this time the Cabal ministry had come to an end.

The last session of parliament closed in April, 1671. His majesty's advisers could not conceal from themselves that the scheme of the duke of York had failed. The chance of achieving by force, what could not be achieved by mildness, was still distant. After much deliberation it was felt that parliament must be allowed to meet once more. It assembled in February.

Parliament in 1673—The Test Act.

It was expected that much would be said about closing the exchequer, and the attack on the Smyrna fleet. But the zeal of the commons was concentrated on passing their Test Act, which provided that all persons holding office in the state should declare themselves members of the church of England. The immediate effect of this measure is the best explanation of the precedence given to it. The duke of York, whose conversion to Romanism was by this time generally suspected, at once resigned his office of lord

admiral. Clifford retired on the same ground. Arlington reserved the avowal of his creed to a more convenient season. This event gave the last blow to the Cabal ministry. The office of lord treasurer passed to Sir Thomas Osborne, who became the head of a new cabinet, and is subsequently known as the earl of Danby.*

Administration of Lord Danby.

The administration of this nobleman extends from 1673 to 1678. His principles were of the old cavalier school, but not without certain modifications which sometimes prompted him to serve his country at the hazard of displeasing the king. He was a sound Protestant, and was in heart opposed to the ambitious designs of France. But he failed to bring the royal brothers over to his views; and rather than relinquish his office, he descended to become, in too great a degree, a party to their policy. After the manner of his predecessors, he negotiated and haggled about pensions from Louis. Nevertheless, Danby is the minister to whom we are indebted for the marriage of the princess Mary, the daughter of the duke of York, to the prince of Orange.

The spirit with which affairs were sometimes canvassed in parliament when some ten years after the Restoration had passed, may be estimated from the debates which took place at the close of the autumn session of 1673. The commons declared that no further supply should be granted until the kingdom should 'be secured from the danger of popery, and of popish 'counsels and counsellors, nor until other present 'grievances should be redressed.' As money was not to be obtained, Charles saw no use in continuing the session. On the morning of the fourth of November, the speaker made his appearance about ten o'clock, two hours after the usual time. At the same moment, the usher of the black rod came into the lobby. But no sooner had the speaker entered than every door was closed, and the house was filled with the voices of

* *Parl. Hist.* iv. 559-571. Burnet, ii. 6, 7. Neal, iv. 418-433.

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some crying, 'To the chair;' and others exclaiming, 'The black rod is at the door.' Amidst these cries, and the continued knocking of the usher's attendants, the speaker was hurried to the chair; and in much such a state of feeling as had been evinced at the close of the parliament of 1629, it was moved, and carried by acclamation, 'That our alliance with France is a 'grievance! That the evil councillors about the king is 'a grievance! That the duke of Lauderdale is a griev-'ance!' By this time the cries of 'Question! question!' became more vociferous, the knocking at the door increased, and the speaker having leaped out of the chair, the house separated in the greatest confusion.*

Debates on calling troops from France, and on the Non-resisting Test.

Such was the state of feeling which had driven the Cabal ministry from power. In a subsequent debate, on a resolution requiring the earl of Danby to call home the English troops from France, the dissension in the commons was even more alarming. More significant still was the debate which followed in the house of lords on the Non-resisting Test. It was proposed by the government, that this test—which the parliament, it should be remembered, had imposed on all men holding civil or ecclesiastical offices—should be imposed on the members of both houses. In the course of the debate which followed, and which extended over seventeen days, often far into the night, all the principles which had come into discussion in the times of the Long Parliament, came into discussion again. Charles took his place by the fireside in the house day after day as a listener. But his presence imposed no restraint. The bill passed the committee, but it was never reported to the house. Of course it never reached the commons. Enough had happened to make it clear that the day for multiplying non-resisting tests had passed away.†

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* *Parl. Hist.* iv. 592-609.

† Lords' *Journals*, xii. 665-682. *Parl. Hist.* iv. 714-739. App. v. Marvel, i. 510 et seq. North's *Examen*, 61-64.

The coffee-houses.

It is evident from the measure of earl Danby's government in regard to the coffee-houses, that the liberal feeling with which even the restoration parliament had become leavened, was but a faint indication of the feeling existing almost everywhere. Since 1661 the press had been under a rigorous censorship. But opinions which men could not have printed without danger, were divulged with little hesitancy in places of public resort. Nearly all persons of education, and a large portion of the middle class, spent much of their time in coffee-houses, where they discoursed freely on affairs of state. Irritated and alarmed by the constant growth of disaffection, the government determined to shut up the coffee-houses by suspending their licenses. It had been resolved long since that men should not censure their rulers in print. The object of this measure was to preclude them, as far as possible, from giving expression to such language even in conversation. As may be supposed, great was the storm thus raised. In the hope of calming it, the licenses were renewed, but with the condition that they should be forfeited, in the case of any proprietor who should tolerate the use of seditious language on the part of the company.*

Parliament meets after a recess of fifteen months.

Meanwhile, fifteen months passed, and England saw no meeting of parliament. By some of the opposition lords it was maintained, that a parliament which had not been assembled for twelve months was, *ipso facto*, dissolved, the unrepealed statutes of Edward III. having provided that a parliament should be convened every year. But this reasoning was not acceptable to the upper house; and Buckingham, Shaftesbury, Salisbury, and Wharton, who persisted in it, were sent to the Tower. The commons complained of these proceedings. They insisted that the alleged offence concerned themselves as much as the lords, and that judgment concerning it pertained to the courts of law, and

* North's *Examen*, 138. Kennet, 307. Ralph, 297.

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not to either house of parliament. The lords, however, were detained prisoners for some months.*

But the absorbing topic at this juncture, was the war which Louis was extending so widely, and with so much success. It was the great misfortune of English affairs at this time, said Sir William Temple, that while the parliament was displeased with the king because he would not go to war with France, it began to distrust him the moment he showed some willingness to do so. If war is to be declared, said Charles, the means must be provided, and must be placed at my own disposal. In listening to such language, every one felt that it became him to regard himself as in the position of a man in danger of being deceived in order that he might be plundered. And Charles was never to be on any better terms with the representatives of his people. They would make no grant except on condition of its passing into the hands of public commissioners, and of its being subject to a public audit.†

Secret transactions with France.

Such were some of the faults in the government which could not fail to accelerate the great change in public feeling under consideration. But at the root of all these errors was the grand error embraced in the scheme of secret negotiation with France, carried on in the hope of giving us the government and the religion of that country in place of our own. Charles entered into his first negotiation with Louis so early as the spring of 1666. The object of that compact on the part of Louis was, to secure the neutrality of England during his meditated attack on the possessions of Spain. Charles hoped by this means to recover possession of the islands in the West Indies which had been seized by the French. It is true, both parties violated their own terms—Louis by joining the United Provinces in their war against England, and Charles by

* These noblemen, it appears, acted in opposition to the advice of their party in this matter.—Burnet, iii. 109-111.

† *Parl. Hist.* iv. 807 et seq. Reresby *Memoirs*, 56-62. Temple's *Works*, i. 401-469.

becoming a party to the Triple League. But the promises had been, that England should be neutral for twelve months; that Louis should furnish Charles with the money necessary to sustain him in adhering to this policy in independence of parliament; and that in the end, the islands in the West Indies should be restored by public treaty.

Negotiations of 1668.

But in 1668 the king of England found his exchequer empty, and his parliament in no docile mood. In his perplexity, it was determined, in connexion with such of his advisers as might be allowed to be parties to so dangerous a project, that measures should be taken to ascertain whether the king of France might not be disposed to enter into some secret negotiation which might be made to yield the supplies needed in this exigency. Correspondence was in consequence commenced; and as negotiation advanced towards maturity, religion, real or pretended, became a material ingredient in the transaction.

The duke of York was already a Catholic. The duke knew also that the king had conversed with confidential persons on that subject, and had expressed himself deeply anxious to be in circumstances to avow his change of faith, and to use his power so as to give more influence to his new creed within his dominions. In January, 1669, a meeting, including the king, the duke, lord Arundell of Wardour, Clifford, and Arlington, took place in the duke's closet. Charles there 'declared his mind in the matter of religion, and 'repeated what he had said before to the duke—how 'uneasy it was to him not to profess the faith he 'believed, and that he had called them together to 'have their advice about the methods fittest to be taken 'for the settling of the Catholic religion in his king-'dom.' His majesty spoke, it is said, with great earnestness, and with tears in his eyes.* It was agreed that the king should avow his conversion, and attempt

* *Memoirs of James*, 440-442.

BOOK XIV CHAP. I. to re-establish the Catholic faith, looking to France as his secret ally in this great and difficult enterprise.

Treaty of 1669.

More than twelve months, however, were occupied in adjusting the matters embraced in this treaty. When signed, it left the king of England to profess himself a Catholic when that should seem to him to be expedient; but provided as one of the terms on which the promised aid should be given him, that he should be ready to join the French king whenever required, in making war upon the Dutch. On this condition the sum of 200,000*l.* yearly was to be paid to him in quarterly payments, to aid him in sending assistance abroad, or in curbing probable disaffection at home. It bound both monarchs to abstain from any separate negotiation for peace; and further pledged the king of England to aid his Most Christian Majesty in prosecuting any claim upon the dominions of his Most Catholic Majesty of Spain that might devolve to him from his connexion by marriage with the royal family of that kingdom.

No one of the persons privy to this memorable proceeding entered into it with so much earnestness, and sanguine expectation, as the duke of York. Charles, there is reason to believe, was a dissembler through the whole affair. He was probably more a Catholic than anything else; but he appears to have talked of religious scruples mainly for the purpose of imposing upon the persons with whom he acted, and whose assistance seemed necessary to his obtaining convenient supplies of money from France. The quarterly payments were to commence from the day on which the treaty should be ratified. But the article which provided that the announcement of his majesty's change of faith should precede the declaration of war, and which left the fitting time for making that announcement to his judgment, placed the whole treaty at his disposal. Louis cared little about the religious faith of the king of England, or of the people of England, but he was much concerned that his meditated schemes of conquest

should be aided by an alliance with this country. Hence, while the one king was urgent in showing that no time was to be lost, the other was no less skilled in dwelling upon circumstances which seemed to counsel delay. Nothing could be more acceptable to Charles than the money which came, time after time, to his hands. But month after month, and even year after year passed, and reasons continued to be urged against his committing himself on the religious question as the treaty proposed. So the summer of 1672 arrived, and at that juncture the English monarch found himself drawn, almost without his consent, into the long meditated, and the singularly iniquitous, war against the Dutch.

New secret negotiations with France conducted by the duke of York.

After the peace with the United Provinces in 1674, the public feeling was strongly in favour of a war with France. On this account Charles was concerned to postpone the expected meeting of parliament. But, as usual, his majesty's pecuniary wants were pressing. The duke of York now came to his assistance. The duke knew that the affairs of Louis were not in a state to allow of his trifling with the neutrality of England. He accordingly assured that monarch, that without a considerable supply of money, Charles would find it necessary to assemble parliament, and one of the first acts of that authority would probably be to demand that England should join with the Dutch and their allies in the war against France. Louis could not question the accuracy of this representation. His policy was to plead poverty, and to avert the threatened mischief at as little cost as possible. The sum solicited was 400,000*l.* Charles at length consented to prorogue the parliament from November, 1674, to April, 1675, on condition of receiving little more than a fourth of that sum.* The session of 1675 ended in November. The parliament could not be induced to grant the king a supply of any kind; and the temper

* Dalrymple's *Memorials*, ii. 98, 99.

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which then manifested itself in both houses, seemed to render his affairs desperate. In the January following we find his majesty in earnest negotiation with Louis, which ended in his giving his secret promise to abstain from taking any part with the allies, Louis engaging as the price of this pledge to remit the annual sum of 100,000*l.* The great seal was not to be used in this transaction.*

Public suspicion and feeling.

But the unpopular policy to which the king bound himself by these intrigues, taught his subjects to lean less upon their sovereign and more upon themselves. Secret as these proceedings were, they were soon more or less known to the opposition, and the partial concealment which rested on them only left a wider field to the play of imagination, under the promptings of resentment and fear. So early as 1672 this secret policy had become known in Holland, and it was no doubt discoursed about freely wherever the disclosure

* Danby and Lauderdale were the only ministers Charles would admit to a knowledge of this affair. Danby cautioned his colleague that if they alone were parties to the treaty, it might be at the loss of their heads. Charles hearing of their scruples, sent for them, and for the duke of York, into his closet, where, says Rouvigny, the French ambassador, 'it being promised to admit into this council the high chancellor, and all the other ministers, he told them the conjunction of the time did not allow him to let people have the least knowledge of his having concluded and signed a treaty with France; that the thing could not fail of being made public if brought before the council, or if he was obliged to make use of the great seal; that to make it an entire secret, he did not desire that his ministers should have any knowledge of it; that for this reason he would name no commissioners nor give any powers; that he had resolved to sign the treaty with his own hand, and seal it with his seal in my presence. From all these considerations, your majesty will judge better of the state of England, than from all that I have presented in my letters; and it will be difficult to conceive that a king should be so abandoned by his subjects, that even among his ministers he cannot find one in whom he can place an entire confidence. This example will show your majesty that all England is against your interests, and that there is only the king of England and the duke of York who embrace them with affection.'—Dalrymple, ii. 98-108. Hume's account of these dealings with France is full of inaccuracies; and inaccuracies which he was too indolent to correct when they were shown to be such by the publication of Dalrymple's *Memorials*.

might be useful. In England alarm of every sort had arisen from this cause. Early in 1678, Louis began to extend his intrigues from the king to such of the country party as might be induced to accept his gratuities. In that year also, Montague made his startling disclosures in parliament concerning the transactions of this nature to which Danby had been a party in the name of the king. By that time no intelligent politician doubted that St. James's had been literally bought long since by Versailles. Before the peace of Nimeguen, the progress of the French arms on the continent, and its probable effect on the liberties of Europe, filled the minds of most men with grave solicitude. Parliament and people called on Charles to assist the confederates in resisting the arms of Louis. But the king of England was mindful of the pledge he had given to Louis, and of his promised pension, and deemed it enough to say that the expenditure in the proposed war must be left wholly to his discretion. His majesty well knew that no grant would be made on such terms. Money so intrusted would go largely to the king's mistresses; and the general impression was, that the force raised would be more likely to be employed against the liberties of England, than against the power of France. So the peace of Nimeguen came. It ceded to Louis nearly everything he had claimed. Such, too, had been the genius displayed by his generals and diplomatists, that France had never been so much an object of fear to her neighbours as she now became.

Peace of Nimeguen.

But who was to blame? Imperialists, Spaniards, the people of the United Provinces, and the people of England, all endeavoured to conceal their mortification by casting the blame upon each other. All had been losers in the past, and by their dissensions now they seemed to have lost the power of combining to retrieve their fortunes in the future. But the king of England was the special object of censure. Nowhere was he more despised than in France. Every intelligent man

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saw that during this great struggle, the country which might have dictated the terms of peace had from some strange cause become paralyzed—a cipher. Charles retained his pension, but assuredly it was at some cost. By such experiences the nation was to be raised above the senseless royalism to which it had surrendered itself some twenty years before.

Religion of the duke of York, and disputes about the succession.

We should mention also as among the special causes leading to this freer speculation in politics in the later years of this reign, the known Romanism of the duke of York, and the suspected apostasy of the king. The Test Act was designed to compel the duke to avow his religious creed. The fact that the heir to the English throne was an avowed Catholic suggested all kinds of danger. What could be done to place adequate safeguards about the religion of the country became the great question. By this circumstance, the doctrine of legitimacy—the whole question of divine right—was forced into discussion, and that not among lawyers or educated men merely, but among all classes of the people. Buckingham, while in office, making use of the fears of the nation on this subject, became occupied with more than one scheme in the hope of seeing the duke of York excluded from the succession. With this view he would have fabricated evidence to show that the birth of the duke of Monmouth, a son of the king by one of his mistresses, had been legitimate. But Charles condemned the device. He listened, however, to those who suggested that the barrenness of the queen was sufficient ground for a divorce. When that notion had been for some while abandoned, Shaftesbury, Carlisle, and Halifax proposed in the lords, that any prince of the blood marrying a Catholic should forfeit the right of succession. But that mode of attempting to allay the popular fear concerning a 'Popish successor' was not to be entertained.*

* Temple's *Works*, i. 458 et seq. Reresby's *Memoirs*, *Parl. Hist.* iv. 896 et seq.

James watched these proceedings with alarm. He knew that in many quarters the duke of Monmouth was regarded as the most eligible successor to the throne; while in others, the people were taught to look for their future king in William prince of Orange. The duke of Monmouth was known to be much beloved by the king. Nor was he indisposed to look towards the prize which his flatterers often found occasion to present to the eye of his ambition. But with a much wiser class of politicians, his claims were of small weight compared with those of the prince of Orange. William was himself the nearest heir to the crown, next to the children of the duke of York. His marriage with the princess Mary brought him still nearer. He was, moreover, a zealous Protestant, a prince of eminent abilities, and the great stay of the liberties of Europe.*

The Popish plot.

It was while the forebodings of the popular mind on this subject were becoming daily stronger, that the rumours concerning the great Popish plot became prevalent. It is not at all probable that this alleged plot owed its origin to any intrigue on the part of the court or of the opposition, though some men on both sides descended to use it for party purposes in its later developments. Danby took part in it with this view, and Shaftesbury was not slow in endeavouring to counteract his artifice by adopting the same policy. The evidence relating to it consisted almost entirely in assertions made by Oates and Bedloe, two men who should not have been believed upon their oath. Nevertheless, its reality appears to have been credited for a considerable interval by the majority of the two great parties, by nearly the whole of the clergy, and by the nation at large. We see its effect in part in the bill which provided that no Catholic should have any place in the legislature; and also in the ultimate form

* James's *Memoirs*, i. 437-439, 490-498. Lords' *Journals*, xii. 300-329. Burnet, i. 479-482. *Parl. Hist.* iv. 517-592.

of the memorable Exclusion Bill, which declared that the duke of York 'shall be incapable of inheriting the 'crown of England, Scotland, or Ireland; that the 'future successor to the said crowns shall be the next 'in succession, in the manner as if the duke was dead.' So the majority of the representatives of the people of England, assembled under the king of the Restoration, had come to think that even the law of succession to the throne might be modified, according to circumstances, by authority of parliament.

But it will not be supposed that popular principles had so far recovered their influence without opposition. On the contrary, they had made their way in the face of a current which had yielded only by slow degrees, and which at the juncture we have now reached, was about to rise in new strength, and to become for a while overwhelming. Charles is ere long to send Russell and Sidney to the scaffold. James is to perpetrate his butcheries in the west by the hands of judge Jeffreys. The causes which made this further and final sway of royalism in our history possible, will be the subject of inquiry in the next chapter.

CHAPTER II.

ROYALISM AND REVOLUTION.

Rise and character of the Country Party.

TWELVE short years after the Restoration had sufficed to bring into existence that large body of comparatively liberal politicians known as the Country Party. This party had been long presenting a growing opposition to the court, but was itself made up from materials of a very mixed description. It consisted for the most part of men who were constitutional royalists and zealous churchmen. Some indeed were Presbyterians, or old parliamentarians, who adhered steadily to many of their old maxims. But the great majority, especially if we include both houses, were sound churchmen; and were not sure in all instances, that it would be wise to make large concessions to Protestant Nonconformists. But all were earnest in denouncing the abuses of government, and in resisting everything which tended to endanger the Protestant religion, or the rights and liberties of parliament.

In the upper house, the older leaders of this party were lords Wharton, Hollis, and Salisbury. After the fall of the Cabal ministry these orators were aided by the eloquence of Buckingham and Shaftesbury, who then took their place in the ranks of the opposition. But in the lords the court could generally secure a majority. In the commons, parties were more nearly balanced. With regard to weight of character, knowledge of business, and power in debate, the scale was manifestly with the opposition. The men in the foremost place in this party were lord Cavendish and Mr. William Russell, now known as lord Russell. But

the position of Cavendish came mainly from his birth and wealth. He did not possess the ability, still less the high moral worth of Russell. Powle, Lyttelton, Garroway, Lee, Vaughan, Meres, and Sacheverel are names which are constantly coming up in the debates of the lower house. Some of these were well read in precedents and forms, and others were ready disputants on almost any question. In Sir William Coventry the government always found a formidable opponent; and Sir William found an able coadjutor in colonel Birch, who had been an officer in the army of the parliament, and possessed more of the kind of eloquence adapted to carry a popular assembly along with him than any man in the house. He was once taunted with having been a carrier. Yes, was his reply, and if the honourable gentleman who brings that reproach against me had been a carrier once he would have been a carrier still.

Intrigues of France with the opposition.

The transactions between some of the leaders of the country party and the agents of Louis XIV., which date from the early part of the year 1678, were probably the first circumstance which tended to impair the hold of the opposition on the public confidence. Charles had recently consented, without the knowledge of Louis, to the marriage between the princess Mary and the prince of Orange. From that time it seems his majesty of France began to suspect the fidelity of his majesty of England. The marriage took place in October 1677; and it was in the spring of the following year that Louis began to extend his intrigues from the court to its opponents.

It is not pretended that the money of France, which is said to have been disposed of in this manner over the next three years, exceeded 16,000*l.* Such an expenditure, as opposed to the influence of the king and the government, could not have produced any great effect. Some ten or twelve persons conspicuous in the opposition, are mentioned as receiving sums varying from three to five hundred guineas through the French

ambassadors Barillon and Rouvigny. If the reports of these agents are entitled to full credit, we must place the name of Algernon Sidney in the list of the persons who accepted such presents. Lord Hollis declined the offer of this nature made to him. The high character of lord Russell, it seems, precluded his being in the list of persons who should be tried by such means. When it was hinted to him that something of that kind might be useful in the case of others, his lordship is reported to have said he should be sorry to have any commerce with persons capable of being so influenced. He came to know, however, that the men about him did not all share in his scruples.

In judging the conduct of the country party in regard to these proceedings, there are several matters which should come under consideration. In the first place, the reports of the ambassadors as to the disposal of the money are not such as to be wholly free from suspicion. Barillon was a person whose expensive habits exposed him to frequent embarrassment. Such a man might become a peculator, particularly in a case where detection was scarcely possible. The greater part of the money, moreover, was not distributed, it is said, by himself, but by Sir John Baber, an intriguer of much less responsibility, and more exposed to temptation. Coleman, who was executed as a party to the Popish plot, confessed before the house of commons in 1678, that he had received 2500*l.* from Barillon to be distributed among the members of the lower house during the session, and that he had appropriated that money to his own purposes. Along with these grounds of suspicion, we should bear in mind the scandalous venality which had long characterized the court, the government, and the times; and beyond that the material circumstance, that the money does not appear to have been received in this case, in any instance, as the price of doing anything that might not be justly and honourably done. It is true, the policy to be promoted by these proceedings was regarded as favour-

able to the designs of Louis as king of France. But the friends of liberty in the commons appear to have persuaded themselves that by this means they might succeed in putting an end to the dangerous commerce which had so long been going on in secret between the crowns of France and England. They flattered themselves, moreover, that in this manner they should succeed in curbing the power of the duke of York, as the great hope of the Catholic party; in securing the disbanding of an army which the men most in the confidence of the king regarded as likely to be employed to crush popular liberty; and in bringing about the removal of a bad minister, and the dissolution of a most corrupt parliament. There is little room to doubt that had Louis desired to make Charles absolute he might have done it. The popular party so thought; and to meet so grave a danger they appear to have accounted it of the first importance to turn this battery the other way. Simply to neutralize it was not possible. Neutrality in English affairs did not comport with the policy of the king of France. If shut out from one quarter, he would be sure to make his influence felt in another.

Still, it must have been well known that the design of Louis was not really to serve either the court party or the country party. His aim was simply the aggrandisement of France. Hence, after all the considerations now mentioned, we feel bound to say, that men capable of receiving money in their public capacity from the enemy of their country, could not have been men of a very high-minded patriotism. Nor can the more honourable men who, if no parties to these transactions, certainly allowed themselves to be privy to them, be accounted as perfect in their consistency. But great party relationships are rarely free from such signs of infirmity. Aristides himself could hardly have expected his followers to have been wholly safe from them. But such a course of proceeding could not be wholly a secret; and the measure in which it was

proclaimed, or even whispered abroad, was the measure in which the party concerned would suffer in reputation.*

The duke excluded from the council.

The parliament assembled in the autumn of 1678, came together amidst the excitement raised by the Popish plot. One of its first measures was to require that the duke of York, as known to be the great stay of the Popish party, should be no longer a member of the privy council. The king was much displeased by this proposal. The lords were induced to reject it. James was not a little indignant. But the pertinacity of the commons carried their point.†

Catholics excluded from parliament.

The next effort in this direction was the introduction of the memorable Exclusion Bill, the act which excluded Catholics from all place in the legislature. This law, enacted in a moment of frenzy, was to remain on our statute book during the next century and a half. So slow may be the work of national intelligence in correcting mischiefs produced by a sudden outburst of national resentment. It should be added, that a proviso was appended to the bill by the lords, and passed by a majority of two in the commons, which exempted the duke of York from the operation of the statute. By that proviso, the main object of the opposition in pressing the measure was frustrated.‡

Impeachment of Danby.

But the proceeding which made this seventeenth session in this second Long Parliament to be its last, was the impeachment of lord Danby. Montague, the English ambassador in Paris, made his appearance in England at this juncture without permission from the

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* Dalrymple, ii. 192-264. Rouvigny was cousin to Lady Russell—a circumstance which of course favoured communication between him and lord Russell. The relation between Louis and the country party never became a formal engagement. It never went beyond a loose understanding.—Lord John Russell's *Life of Lord William Russell*, i. 106-124.

† *Parl. Hist.* iv. 1026, 1035. Burnet, ii. 157. James's *Memoirs*, i. 524.

‡ *Parl. Hist.* iv. 1022-1024, 1039. Reresby, 70-73. James's *Memoirs*, i. 525, 526.

king. The suspicions of Charles, and of the obnoxious minister, were immediately raised. The papers of Montague were seized on his arrival, by order of his majesty. But this proceeding did not take the ambassador by surprise. Several important documents had been carefully secreted. These, as a member of the house of commons, he laid before that assembly. By this means, certain mean and treacherous overtures which Charles had made to Louis through the agency of Danby, while the terms of the treaty at Nimeguen were under deliberation, were disclosed. It became evident that the king, while declaring himself to the parliament as willing to commence a war with France, and while asking that supplies should be furnished for that purpose, had been engaged in selling his services to the French king for the largest sum that might be obtained as the price of them. Danby could not escape from the evidence; he could only show that his accuser had not come into court on this question with clean hands. The secret of this proceeding appears to have been, that Danby had failed to please Louis, and that Montague was the tool employed to punish him. The case was a disgraceful one in its relation to all the parties concerned. The lords evinced their good taste in not caring to soil their hands with it, and refused to commit the accused minister. The commons, however, expressed themselves so displeased, that the king prorogued, and afterwards dissolved the parliament.*

The duke of York withdraws from the kingdom.

The witnesses in the Popish plot had endeavoured to implicate the duke of York, and even the queen, in projects directed against the life of the king. Charles, finding the speedy assembling of another parliament to be unavoidable, urged the duke to withdraw himself for a time from the British dominions. By that measure the king hoped to allay the fears of his subjects, and to regain their confidence. The duke consented

* *Parl. Hist.* iv. 1060-1074.

on three conditions: that his majesty should declare the birth of the duke of Monmouth to have been illegitimate; that the royal assent should never be given to any bill to vacate his right to the crown; and that the order requiring him to withdraw should be given by the king under his own hand. The exile of his highness must be an act of obedience to the crown, and not an implied confession of guilt.

New parliament—Result of the elections.

But the storm now raised was too violent to be much affected by such expedients. The new elections throughout the kingdom called forth a more severe struggle of parties than had been seen on any such occasion in our history. The popular candidates spoke of liberty, religion—everything valuable to Britain and to Europe, as depending on the character of the men sent to the new house of commons. In the new parliament, accordingly, the court found an opponent even more determined, and more formidable, than its predecessor.

Dispute between the king and the commons on the choice of a speaker. 1679, March.

Seymour, who had been speaker in the last parliament, was again chosen unanimously to that office. But Charles objected to the choice, and required the approval of a person named by himself. The house complained, in two addresses, of the attempt thus made to wrest from it one of the most valued of its privileges. The king had little to offer in reply, except that it was his pleasure to do as he had done. After some days had passed, and several angry discussions had been suffered to fan the flame thus raised, the dispute ended in a compromise. Seymour, chosen by the house, and Sir Thomas Meres, who had been nominated by the court, were both set aside, and the house on proceeding to a new election, fixed on serjeant Gregory, who was accepted in the usual form. From that time, the power of the crown to reject the choice of the commons in such cases has been nominal only; and the old custom of leaving the name of the speaker to be proposed by the privy council ceased.

Seymour was no friend to Danby; and it soon be-

came known that the king had taken the above course at the suggestion of that minister. The lord treasurer, accordingly, had never stood so much exposed to the resentment of the commons as at this moment. When the house revived his impeachment, Charles declared that everything Danby had done, had been done in obedience to the command of his sovereign; that the royal pardon had in consequence been extended to him; and would be extended to him again, in as many forms as might be rendered necessary by future proceedings against him.

Impeachment of Danby revived—Attempt to suppress the power of the commons to impeach bad ministers. March 22.

It will be seen that the question raised by this communication, was not one concerning the limits of the royal prerogative of mercy. It had respect to the power of the crown to stay an impeachment by the intervention of an act of pardon. It was in fact an attempt to abolish the right of parliament to impeach bad ministers, by reducing all such proceedings to a nullity. By such means, the king, who can do no wrong, could place his advisers in the same position, and the security against bad government in the supposed responsibility of ministers must have become an illusion. The house, in defiance of this interdict, called upon the lords to proceed, and Danby was sent to the Tower. The king had removed him from all his employments before the meeting of the new parliament.

The king consults Sir William Temple.

Having parted with Danby, Charles was disposed to lean principally on the character and ability of Sir William Temple. But in difficult circumstances, Sir William was more capable of giving good advice, than of committing himself to the effort necessary to make it effectual. The little gratifications of a philosophical retirement were of great value in his estimation; and his susceptibility of annoyance from the incidents of public life disqualified him for discharging its rougher duties. His policy at this time was to assist the king by his counsel, but to abstain from exposing himself amidst the shoals and quicksands through which

he saw the vessel of the state would soon have to pass.

The new council.

Under this guidance Charles formed a new council, consisting of thirty persons, half of whom consisted of men already in office, the other half of new men, either selected from the ranks of the opposition, or otherwise persons of character, and not connected with the court. The liberal section included the names of lords Hollis, Russell, and Cavendish; with those of Ernley, Seymour, and Powle—all conspicuous persons in the popular party. The earl of Essex, who was called to the office of treasurer, was a politician of the same school, though the son of the chivalrous lord Capel, who had suffered death as a royalist in 1649. The earl of Sunderland, whose recent conduct towards Danby had furnished evidence both of his capacity and of his duplicity, was raised to the office of secretary of state. With these persons, Sir George Saville, better known as the marquis of Halifax, was united. The duke of York regarded Essex and Halifax as persons 'who did not love monarchy as it exists in England.' But the attachment of those noblemen to popular institutions was not of a nature to preclude them from acquitting themselves with consistency and fidelity as ministers of the crown. Halifax was distinguished by large capacity, by high culture, and by brilliant wit. But he was so given to compromise, and to the balancing of one party and of one reason against another, that the word 'Trimmer' came into use in our language as exemplified in its significance by his conduct. He possessed a sufficient sense of right to plead eloquently in many instances in its favour. But he did not know how to brave great suffering or great danger in its cause. Through a long life, in consequence, we find him in a succession of political relationships which seem to be at variance with each other, but which he flattered himself he could sustain consistently with the flexible maxims which should always characterize a statesman. Shaftesbury, with his many dangerous

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talents, was made president of the council, contrary to the advice of Temple.*

Progress of the Exclusion question.

Little of the good expected from this coalition ministry was produced by it. Soon after its formation, the commons came to a unanimous vote, declaring 'that the duke of York being a Papist, and the hope 'of his coming as such to the crown, have given the 'greatest countenance and encouragement to the pre-'sent designs and conspiracies of the Papists against 'the king and the Protestant religion.' With this resolution the lords concurred, only adding that the duke of York's being a Catholic, had made him 'un-'willingly' the occasion of the designs and conspiracies mentioned. Charles saw in this proceeding a step preliminary to a formal exclusion of the duke from the succession, and determined to anticipate that probable course by announcing some important concessions which he was prepared to make towards precluding the danger so much apprehended. The lord chancellor was instructed to say, that no circumstances could induce his majesty 'to alter the descent of the crown in the right line;' but that to place the Protestant religion on the surest foundation, the king consented, that in the event of the Popish succession, the sovereign should not have power or control over presentations in the church; that no Catholic should sit in either house of parliament; that the other Test laws existing should remain in force; that neither lords of the privy council, nor judges, should be removed during the reign of any such successor, except by authority of parliament; that care should be taken, that none but sincere Protestants should be justices of the peace; and finally, in regard to the militia, that no lord lieutenant, nor deputy lieutenant, nor officer of the navy, should be appointed or removed without the sanction of parliament. The chancellor concluded by saying that if there were any other point concerning

Charles makes large concessions.

* Temple's *Works*, i. 479, 480. Ralph, i. 437-439.

which the king might further satisfy his subjects in this weighty matter, short of disturbing the right line of succession, his majesty was ready to consider it.

Policy of these concessions successful.

The report of these very material concessions filled the duke of York with mortification and dismay. But their general effect was such as Charles appears to have foreseen. They seemed to entitle him to the praise of moderation. The enemies of the duke could not take extreme ground against him in the face of these proposals without great disadvantage. That ground, however, they did take.

The Exclusion Bill introduced.

The Exclusion Bill was now introduced. It declared that 'the priests and agents of the pope had 'traitorously seduced James duke of York to the com- 'munion of the church of Rome, and had induced 'him to enter into secret negotiations with the pope, 'his cardinals and nuncios, for promoting the Romish 'church and interest; and by his means and procure- 'ment had advanced the power and greatness of the 'French king, to the manifest hazard of these king- 'doms: and as the descent of the crown of these 'kingdoms to a Catholic might enable the adherents 'of the papacy to accomplish their evil designs, it is 'proposed to enact, that the duke shall be incapable 'of inheriting the crown of England, Scotland, or Ire- 'land; that the future possessor of the said crowns 'shall be the next in succession, in the manner as 'if the duke was dead; that all acts of sovereignty 'performed by the said duke shall be punishable as 'treason; that the penalty of that offence shall be 'incurred by his return into these dominions, and by 'all persons who shall endeavour by correspondence 'or otherwise to bring him to the throne.' This grave instrument was read a second time, and passed into a committee of the house by a majority of 207 against 128. Charles spoke of the bill as 'villainous,' and declared that nothing should induce him to give it any sort of approval. Five days after it had passed

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into committee, the king prorogued the parliament, and then dissolved it.*

May 26. The arguments urged in support of the bill.

The men opposed to the Exclusion Bill were reminded by its defenders, that according to the fundamental laws of society, the nation must possess a right to change the succession for sufficient reasons. To suppose the contrary, it was argued, would be to suppose circumstances in which it would become the duty of society to submit to the destruction of its most vital interests in deference to a single will. Much was said concerning the authority of this nature which had been given to Henry VIII. by the English parliament. Among Protestant communities, the public peace had always been largely dependent on the known religion of the prince. In the present instance, the word Popery was used to denote everything jesuitical and malignant in religion, and everything arbitrary and oppressive in civil government. It was feared, and justly feared, that James would not scruple to use all his power as king in favour of so disastrous a revolution. But, sound as these conceptions might be, the court lawyers, the clergy, the old cavalier party throughout the country, and a large portion of people under the influence of those classes, were slow to embrace them. By such persons it was accounted harsh, and even cruel, to require that the king should be the man to deal thus with royalty in the person of his own brother. All this too, it was said, is to be done to provide against a contingency—to meet an exigency that might never arise. Hence the antagonism to which the country party began to be exposed was of a much more serious description than had been expected. The tide, which had gone strongly with them in their general measures, began to take another direction in regard to this question.

The famous *Habeas Corpus* bill, which became law

Parl. Hist. iv. 1131-1136.

this session, was the great service rendered to Englishmen by this third parliament of Charles II. Much attention had been given to this bill in the present and preceding sessions; and though as passed it was by no means the measure for which the commons had contended, the shape in which it obtained the royal assent left it in possession of many truly valuable provisions. It was enacted that all sheriffs, jailers, ministers, or others, when served with a writ of *Habeas Corpus*, should obey it within three days, by presenting the person therein named to the court or judge, by whom the said writ had been granted; and before him to certify the true causes of the detention of the person so presented, on the penalty of 100*l.* for the first default, and of 200*l.* and forfeiture of office, for the second. It was further enacted, that the same penalties should be incurred by refusing the prisoner a true copy of the warrant of commitment for more than six hours from the time of his demanding it; that the judge who, either in term time or vacation, should refuse a prisoner his Habeas Corpus on application, should forfeit to the said prisoner the sum of 500*l.*; that bail should be accepted for all cases bailable by law; that no prisoner once enlarged by an order of the court, should be recommitted for the same offence; and that no subject should be any longer liable to illegal imprisonment or banishment in places beyond the sea. What an accumulation of wrong and suffering would have been unknown to English history had this statute been recognized as law two centuries before!*

Habeas Corpus act is passed.

The king was supposed to be governed at this time by Halifax, Essex, and Sunderland, who were commonly described as the triumvirate. These noblemen had recently broken friendship with Shaftesbury and Mon-

The triumvirate.

* Ralph, i. 450-451. This bill was passed in a hurried manner by the king when proroguing the parliament. The credit of this success was due mainly to the earl of Shaftesbury. The statute was made much more comprehensive and effective in 56 of George III.

mouth. As the best means of placing a check on the influence of Shaftesbury, they had agreed in advising the late prorogation of parliament. Shaftesbury denounced their conduct as a selfish abandonment of the national interest. While his opponents declared, in their turn, that such was the ambition of their assailant, that nothing less than a complete control both of court and country would ever satisfy him. Such was the feeling of the present house of commons, that Sir William Temple thought with the triumvirate that no good could come from its being allowed to meet again. Charles was of the same opinion. It was decided accordingly that there should be an immediate dissolution. The council protested against this proposal, especially lord Russell and Shaftesbury.

Parliament is dissolved.

But the king was firm, and a proclamation was issued dissolving the present parliament and convening another. The excitement in prospect of the new elections was intense. The most inflammatory pamphlets were published by both parties. The most extreme principles were openly avowed.*

Origin of the names Whig and Tory.

It was during the heat of this conflict that the nicknames of Whig and Tory came into use. The former was a designation which had been given to a low and extreme class of Covenanters in Scotland; and the latter to a similar class of Catholics in Ireland. The first denoted an opponent of the court, and a friend to Protestants and to Protestant Nonconformists; the second denoted a man whose royalist feeling would not allow him to disturb the succession even to exclude a Catholic from the throne. Other names came

* Ralph, i. 472, 473. Burnet, ii. 228, 229-239. The most notorious of the publications which appeared at this time, was one intitled *An Appeal from the Country to the City.* It openly urged the pretensions of the duke of Monmouth; and, among other grounds, upon the plea that 'the worst title always makes the better king.' Some papers purported to set forth the sentiments of the Nonconformists; others claimed to express the voice of the church, and most of them were bold and violent, making their appeal to the worst prejudices and passions of party zeal.—See extracts from them in Ralph, i. 473-477.

up during this strife, and were soon to pass away; but these, as is well known, were to have a long life. Both parties became content to be known by these designations, even learnt to be proud of them.

Report of the king's illness.

In the midst of this electioneering excitement, the report spread that the king was dangerously ill at Windsor. Cold had been followed by fever: if fever should be followed by death—what then? All men suddenly asked that question, and all were confounded by it. It seemed to be felt, says Sir William Temple, that the end of the world could hardly be a greater calamity than the death of the king. Algernon Sidney never saw the mind of the community so moved, nor such tendencies towards all imaginable kinds of disorder. So valuable may a single life become, not from the good it confers, but simply from the evil it is supposed to prevent.*

Return of the duke of York.

While these fears prevailed, the eyes of Shaftesbury, and of a considerable portion of his party, were turned towards the duke of Monmouth. The duke himself, strong in the majority of exclusionists who were sure to fill the benches of the commons; in a minority both in the upper house and in the council; and not less so in the command of the military, regarded the moment as highly favourable to the assertion of his pretensions, and made little scruple about indicating his purpose and his hopes. The duke of York was in exile. The triumvirate knew that their displacement, and probably their ruin, would be the first use made of power by Shaftesbury and Monmouth. Hence they persuaded the king, during his illness, to despatch a private messenger to the duke of York, commanding his presence immediately in England. James instantly obeyed.

Monmouth is displaced and banished.

The return of the duke filled Shaftesbury and Monmouth with alarm. In the court and the city, the two parties practised with the greatest eagerness

* Temple's *Memoirs*, iii. 342. Sidney's *Letters*, 143.

against each other. But it was not long before the turn of the balance became visible. In less than a fortnight from the arrival of the duke of York, Monmouth was deprived of the command of the army, and was on his way to Holland. Charles had required that he should leave the kingdom.

Parliament not to meet for twelve months.

The great reliance of the opponents of the duke of York, was on the expected meeting of the new parliament. It was well known that the majority in the commons would be found to consist of men pledged to support the Exclusion Bill. Charles was also well aware of that fact, and without stating any reason in support of so extraordinary a proceeding, informed the council that it was not his intention to allow the two houses to meet during the next twelve months. The majority of the persons present heard this announcement with the greatest surprise. Several rose to object. But all were given to understand that their presence there that day was not to advise, but to obey. The day following Shaftesbury was dismissed from his place as president of the council. Charles evidently supposed that the time had come in which he might safely take this high ground. But that the indignation of the people might not become dangerous, the prorogation announced by proclamation was not for twelve months. The postponements were renewed from time to time over that interval.

Popular excitement.

Parties are never more inveterate than when formidable in numbers, and very nearly balanced. Such was manifestly the position of the Exclusionists and their opponents at this moment. All public occurrences which might be made to bear, by any possible construction, on existing controversies, were seized with the utmost eagerness, and employed to that end. Consideration, candour, charity, seemed to be unknown. Were we to credit the imputations which each of the two parties cast upon the other, the conclusion would be that both consisted of the most desperate men, altogether out of place in a country

retaining any serious regard to order, liberty, or religion.

Essex and Halifax withdraw from the council.

It is manifest, however, that the party who charged the king and the duke of York with aiming to introduce popery and arbitrary power, did not make such charges without warrant. At this juncture the tendencies towards those ends evinced by the royal brothers led Essex and Halifax to decline being parties to such councils. Essex resigned his office as treasurer, and said enough to indicate the ground on which he had so done. Halifax, writing to Temple, intends spending his remaining days in planting carrots and cucumbers, rather than burden himself again with the cares of public life. Both, according to the king, were hankering after something which his majesty hoped they had forgotten—meaning no doubt, that they retained feelings which did not allow them to be indifferent about the fate of the English constitution or of the English church.*

The new ministry.

Halifax was a person of a much more pliant temper than Essex. After a short interval of disgust, he returned to the council, and became, as we shall see, much too subservient to the pleasure of the king. Lord Robarts, now lord Radnor, succeeded to the office of Shaftesbury. But the management of affairs rested mainly with the earl of Sunderland, with Mr. Lawrence Hyde, and Mr. Godolphin.

Earl of Sunderland.

Robarts was a man of virtue, but of moderate abilities, of a sullen temper, and awkward and forbidding in his deportment. Sunderland was the son of the earl of Sunderland who had fallen as a royalist in the first battle of Newbury. He was a man of mark in his generation, but the mark was not of an enviable description. In address, he was calm, cautious, and insinuating. In his estimate of men, if not always of affairs, he was sagacious. But he was a man singularly devoid of principle. Through a long interval

* *Life of James*, 581. Evelyn, i. 487. Burnet, ii. 99-102.

of many changes, he was to serve all parties by turn, and was by turn to betray them all. He could avow himself Whig or Tory, Protestant or Papist, and be an unchanged man all the while. He was fond of public life, but it was not from any real concern for the public interest. His concern was, that through all vicissitudes the earl of Sunderland might be safe, and rich, and influential. His path was a web of duplicity or the contrary according to this great law of interest; and as his habits were expensive, his necessities made him the too ready victim of temptation. He had voted for the Exclusion Bill, but seeing that measure was not likely to become law, he propitiated the duke; and James, attaching great value to his knowledge and experience, succeeded, by the help of the duchess of Portsmouth, in restoring him to the favour of the king. The administration in which from this time he retained a place, became chargeable with many acts of injustice and cruelty. Sunderland was not a party to such measures from choice, but he shared in them as a condition of his power.

Lawrence Hyde.

Lawrence Hyde, afterwards earl of Rochester, was one of the younger sons of the earl of Clarendon. He is described by a notorious defender of his party, as a person of plodding habits, especially in matters of account. 'His infirmities,' says the same authority, 'were passion, in which he would swear like a cutter, 'and indulging in wine.' Nevertheless, profane and intemperate as he might be, his party, we are told, 'was that of the church of England, of whom he had 'the honour for many years to be counted the head.'* He was a fluent speaker, and is said to have possessed some part of his father's talent as a writer. From his father he derived his maxims as a statesman, and these concurred with the impetuosity of his temper in prompting him to rigorous measures. He would gladly have restricted every fountain of the state to men of his own political creed.

* North's *Examen*, 230.

Godolphin.

Mr. Godolphin, afterwards earl of Godolphin, was in most respects the counterpart of Sunderland. In the old Asiatic monarchies, and in the remains of them still existing in the east, the subordinate and local framework of government is so ordered, that one king may die and another succeed, dynasty may come into the place of dynasty, and even conquerors into the place of the conquered, and the great network of administration may remain undisturbed. Godolphin would have been quite at home as a satrap or minister under such a sovereignty. The passing of the supreme power through successive hands as he was doomed to witness, was to him so much disturbance, and nothing more. Such events were, in his apprehension, as changes among the celestials dwelling in the upper air; and would have concerned him little had they not tended somewhat to dissettle the routine of that lower sphere in which his genius found its chosen occupation. Whatever king might reign, it was important that some man who knew his business should be at the treasury, and manage the finance, and Godolphin was prepared to be that man. Like Sunderland, he had voted for the Exclusion Bill, and like him he had now made his peace with the duke and the king; like Sunderland, he could not only play Whig or Tory, according to the occasion, he could take the form of Protestant or Papist, of Revolutionist or Jacobite, as the exigency of the times might seem to demand. He was observant of court politics because to know them was needful to his being a courtier. But though he observed much, he said little, and did less, in relation to the more public questions of his time. He was fond of gaming, but chiefly, as he said, because it relieved him from the necessity of talking. His knowledge and industry in his special department made him an instrument of great value; while his modest and unobtrusive bearing did not tend to make enemies. Hence the well-known saying of the king, 'Godolphin is never *in* the way and never *out* of the way.'

End of the coalition ministry.

Parliament had been prorogued to January, and it was now further prorogued to the following April. Charles took the responsibility of this proceeding wholly upon himself. The names of his ministers did not appear in connexion with it. Space, his majesty alleged, was required, that the public mind might be disabused and composed. It was known, also, that by command of the king, James was about to leave Scotland, and to take his place near him. One effect of these proceedings was, that lords Russell, Cavendish, and Salisbury, Sir Henry Capel, and Mr. Powle waited on the king to request permission to withdraw from the council; to which his majesty is said to have replied, 'Ay, ay, with all my heart.' So ended Sir William Temple's ill-sorted coalition. While the duke of York resumed his place near the king, the duke of Monmouth, without permission, returned privately to London. The citizens, on becoming aware of the event, kindled bonfires, and rang the church bells.

Petition from seventeen peers.

Before the twenty-sixth of January arrived, the day from which the parliament was to be prorogued, a petition was presented to the king, signed by seventeen peers, praying that the two houses might be assembled on that day. Charles at once saw that if this example were not discountenanced, the greater part of the nation would probably become petitioners for the same object. James I. had induced the judges to declare, that to set forth petitions, threatening the king with the discontent of his subjects if they were not granted, was an offence near to treason and felony. On the ground of this decision, the city authorities were required by the government to suppress any attempt to get up petitions; and gentlemen from several counties who presented such documents, were told by his majesty that they had come from loose and disaffected people, and were admonished to limit their attention to their own affairs. Answers of this description were published daily in the 'Gazette.'

Nor were these means of intimidation resorted to in

vain. Petitions ceased. Addresses were presented in their place, in which the subscribers professed to abhor the efforts made to promote petitioning. In this manner the country became suddenly divided into two classes, under the names of *petitioners* and the *abhorrers*. The dictum of the judges under James was bad law in itself, and bad as it was it could not be honestly applied to the cases which it was now made to embrace.

Petitioners and Abhorrers.

It was given out about this time, and partly, there is reason to believe, through the influence of Shaftesbury, that Sir Gilbert Gerrard was in possession of a black box which contained a contract of marriage between the king and Lucy Walters, the mother of the duke of Monmouth. But the principal effect of this artifice was a public statement on the part of the king, declaring that he had never been married to any other woman beside the queen. The contrary, however, was still asserted in the coffee-houses and from the press, but with no great effect.*

Tale of the 'black box.'

Monmouth was not discouraged by such apparent failures on the part of his friends. He now visited different parts of the country in great pomp. Through the west of England, our great manufacturing district of those days, he was received in many places with much ceremony, and by large gatherings of people. The government watched these proceedings with some apprehension. The king and his advisers seemed to be possessed of large powers. But those powers were large in appearance only. The government was a government without money, and without anything that could be called a monied interest to give it aid. It had no strong band of placemen to wage its battles. It could lean on a minority only among the gentry, and on a less proportion among the people; and it was not only without a standing army, but in case of disorder, had more perhaps to fear than to hope from the

Monmouth courts popularity.

Weakness of the government.

* Ralph, i. 497-500.

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militia under its command. It was a government so conditioned, which had to look on the momentous question concerning the succession to the throne as not only unsettled, but more unsettled than any other. Ministers dared not meet parliament. It was prorogued accordingly from May to July.*

Extreme policy of Shaftesbury.

In the meanwhile, it was well known that the duke of York was prepared to brave a civil war rather than see the crown settled on another. Shaftesbury, at the same time, was not less bold, and as little scrupulous. But his capacity and energy, which made him eminently serviceable to the country party in some instances, in the end only qualified him to become the occasion of their greatest misfortunes. It was his project to bring forward the duke of Monmouth, in preference to the children of the duke of York, contrary to the judgment of some of the wisest men in the opposition. It was by him especially, as will presently appear, that the men of this party were forced into those extreme measures which deprived them to a large extent of the public sympathy, and exposed all the great interests which they had laboured to secure to the utmost peril.

The duke of York presented as a recusant. 1680.

On the twenty-sixth of June, in this year, Shaftesbury presented himself to the grand jury at Westminster, accompanied by lords Huntingdon, Cavendish, Russell, and Grey, by Sir Gilbert Gerrard, and a number of respectable commoners, and indicted the duke of York as a popish recusant. The object in-

* 'There were at this time great meetings of persons disaffected with the court, and these resorts were called cabals. The duke of Monmouth, the earl of Shaftesbury, and the lords Russell and Cavendish, and others, were the chiefs of those assemblies, which, for their greater privacy, shifted every night from house to house, the public outcry pretending fears of popery, and for the safety of the king.' (April, 1680.) In the following month, the same writer says:—'The king showed me a great deal of what he had done to the house (Windsor Castle), which was indeed very fine, and acquainted me with what he intended to do more. He lived quite privately at this time, there was little or no resort to him, and his days he passed in fishing, or walking in the park.'—Reresby's *Memoirs*, 99, 100.

tended by this bold proceeding was in great part achieved. It was regarded by Halifax, Sunderland, and Godolphin, as an alarming indication of the strength of the opposition. They did not hesitate to advise that the duke should withdraw himself for a time from the kingdom. His presence had so emboldened the Catholics, and that boldness had so influenced the passions of the people, as to have led to this apparently extreme measure on the part of his opponents; and it was becoming more evident daily that parliament must soon be allowed to meet. The majority of the council, after a stormy debate, decided in favour of the proposal. 'If the duke does not go now,' said Godolphin, 'he must go in a fortnight, and the king with him.'*

The duke of York leaves the kingdom.

James complained bitterly of this decision. He embarked for Scotland, looking earnestly to Louis, and to the Catholics of the three kingdoms, to be his friends, should his brother show a disposition to yield to the Exclusionists.†

Meeting of the new parliament after twelve months' prorogation.

The house of commons, elected in October, 1679, did not assemble until October in the following year. Charles, in his speech, dwelt on the importance of union, and professed himself willing to give the fullest satisfaction to his subjects in regard to the security of the Protestant religion. The commons resolved unanimously, that the house should at once 'proceed effectually to suppress popery, and to prevent a popish successor.' There seems to have been a general impression at this time, that there were conditions on which the king would assent to an Exclusion Bill.‡

The exclusion question resumed.

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* *Life of James*, i. 590, 591. Ralph, i. 504, 505. Temple's *Memoirs*, part iii. 340-348. 'Plain and most evident it was that the Papists lifted up their breast with great arrogance, presuming on support from the duke who now reigned absolute in all the king's affairs.'—Reresby, 101.

† *Life of James*, i. 594-600. Dalrymple, App. 265-278.

‡ 'The parliament pursued the duke with such violence, and the king was so thoroughly distressed for money, that many now began to be of opinion his majesty would abandon his brother. What added to their suspicions

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Proceedings against the abhorrers.

The next day another resolution was adopted, with the same unanimity, which censured the attempts recently made to suppress the right of the subject to present petitions to the king. Nor was it enough to denounce the conduct of the 'abhorrers' as unconstitutional. Sir Francis Withins, member for Westminster, had presented an address expressing abhorrence of the act of petitioning. The offender was expelled the house. Persons not of the house of commons found themselves exposed to its resentment on this account. Sir George Jeffreys, the recorder of London, the man subsequently so infamous, had distinguished himself by his zeal and insolence as an abhorrer. The house addressed the king, praying that he might be removed from all his public offices under the crown. Charles was not disposed to hearken to this prayer. But Jeffreys became alarmed, voluntarily resigned his employments, and received a reprimand upon his knees at the bar of the commons. The king had not expected an exhibition of this sort from so bold a talker, and observed that he saw Jeffreys was not parliament-proof. Persons in different parts of England were taken into custody by the sergeant-at-arms, on the charge of having made themselves conspicuous in promoting the late addresses. Sir Robert Cann, and Sir Robert Yoemans, members of the house, were accused of saying there was no Popish plot, but a Presbyterian one. Yoemans submitted to the censure. Cann was deprived

was, that many who were well in the king's esteem, appeared for the bill of Exclusion, nor was it unknown that the duchess of Portsmouth was well inclined to it—whether artfully to insinuate herself into the good graces of the party who had been at the greatest enmity with her, or in compliance with the French, whose tool she was, and who were always ready to catch at anything to embroil us.'—Reresby, 102, 103. Burnet says that Montague assured him the duchess had once prevailed on the king to consent to the Exclusion Bill on condition of receiving 600,000*l.*, but that nothing came of it, inasmuch as the commons dared not trust the king, and the king hesitated to trust the commons. Burnet further says, that 'Sunderland assured all people that the king was resolved to settle matters with his parliament on any terms.'—*Own Times*, ii. 249, 250.

of his seat, sent to the Tower, and discharged only on presenting a humble petition confessing his fault. It was ascertained that the late proclamation against petitioning had been drawn up by North, the chief justice, and it was decided to subject the offender to impeachment. Proceedings were also instituted against Sir Richard Weston, one of the barons of the exchequer; against Sir Thomas Jones, one of the judges of the King's Bench; and particularly against Scroggs, another lawyer who had made himself especially obnoxious.

Impolicy of the commons.

But these proceedings now brought their natural consequences along with them. Nothing indeed could be worse than the violence of the language in which many of the addresses had indulged, or than the servility with which they had encouraged the king to dispense, according to his pleasure, with the use of parliaments.* But many, who only a little before had supposed that the prerogative and the court were the only quarters from which arbitrary power was to be apprehended, now began to suspect that the house of commons, the special guardian of the community against that evil, might itself become arbitrary. Such was the feeling awakened by this series of aggressions, that the leaders in the commons were not unwilling the public attention should be called away from them to the approaching struggle in regard to the Exclusion Bill.

The commons carry the Exclusion Bill.

Concerning this bill it should be remembered, that nearly all men were agreed in saying, that in the event of a Catholic coming to the throne, it would be of the

* Sir Richard Weston addressing the grand jury at Kingston, said, 'Zuinglius set up his fanaticism, and Calvin built on the same blessed foundation; and to speak the truth, all his disciples are seasoned with so much sharpness of spirit, that it much concerns the magistrate to keep a strict hand over them. And now they are restless; amusing us with fears, and nothing will serve them but a parliament. For my part, *I know no representative of the nation but the king. All powers centre in him.* It is true he does entrust it with his ministers; but he is the sole representative. And i'faith he has wisdom enough not to trust it any more to those men who have given us such late examples of their wisdom and faithfulness.' —Ralph, i. 515. This was the language of a baron of the exchequer.

greatest moment that very material restrictions should be laid on the prerogatives of the crown. Hence the point to be made clear by its advocates was, that less injury would be done to the crown by transmitting it entire, in a somewhat indirect line, than by transmitting it shorn of much of its splendour to the immediate heir. In the one case the wearer would be a king in reality, in the other he would be such only in name. The loss must be either on the side of the principle of legitimacy, or on the side of the prerogatives of the crown. Both could not be retained entire. Which of these might the statesman consent to see modified and limited with the least hazard to the public interest? The bill passed the commons, and was carried to the upper house by lord Russell. Many members of the commons accompanied his lordship, and when the bill was delivered raised a loud shout.

Debate in the upper house.

During the whole debate on this question in the house of lords, the king was present. The commons also adjourned their proceedings expressly for the purpose of attending. No effort was spared on either side that might possibly influence the decision. Among the speakers in favour of the bill, Essex and Shaftesbury were the most distinguished. Halifax was their chief opponent, and he appears to have acquitted himself with extraordinary ability. Shaftesbury had severed himself irretrievably from the duke of York, and Halifax stood in the same position towards Monmouth. The scheme of Halifax was to banish the duke of York for life—not to disinherit him—a clumsy expedient, which James would have resented as a deeper injury than that contemplated in the Exclusion bill. When the division came, at eleven o'clock at night, it appeared that the bishops, with three exceptions only, were opposed to the measure. The entire majority against it was sixty-three against thirty.*

The bill is lost.

* 'The truth is, Lord Halifax's hatred of the earl of Shaftesbury, and his vanity in desiring to have his own notion preferred, sharpened him at

Charles now repeated his application for a supply of money. In reply, the commons declared that so long as the means of protection against the return of Romanism were so unsatisfactory, to strengthen the government by supplies of money would be to betray the public interest. During the next six weeks this continued to be the ground of difference between the king and the lower house. The king would cede much, but he would not consent to pass the Exclusion Bill. The commons, on the other hand, would grant much, and bear much, but the condition must be the sense of safety which the passing of that bill, and that alone, could give them. It was resolved also, that all persons lending money to the crown on the customs, excise, or hearth-tax, or by any tally, or anticipation on any branch of the revenue, should be accounted as parties to the hindrance of the due sitting of parliament, and as being responsible to its authority in so doing. The probable effect of these proceedings was not unperceived on either side. But the struggle had now become one in which the strongest only could hope to prevail. On the morning of the tenth of January it was rumoured that the king was about to prorogue parliament. The commons immediately passed a resolution, amidst much haste and disorder, which declared that whoever should advise the king to prorogue parliament should be deemed a betrayer of the king, of the Protestant religion, and of the kingdom. Within a quarter of an hour the king appeared and the house was prorogued. Eight days

Charles calls for a supply.

1631.

Parliament is dissolved

that time to much indecency in his whole deportment.' Burnet, ii. 250. 'This was one of the greatest days ever known in the house of lords. Great was the debate, and great were the speakers. Halifax opposed the business with vigour, and being a man of the clearest head, finest wit, and fairest eloquence, he made so powerful a defence, that he alone, so all confessed, influenced the house, and persuaded them to throw out the bill.'—Reresby, 103, 104. Within a fortnight, Halifax seems to have thought that a civil war would be the consequence of his success.—Ibid. 106. Ralph. i. 529.

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afterwards the prorogation was followed by a dissolution.*

Covert policy of the king.

Charles had never brought so much of his own better capacity to the business of government as during the last few months. And enough had transpired to make it certain that he had never been less disposed to comply with the demands of the house of commons than at this moment. Halifax appeared to be alone in his confidence. Shaftesbury, removed from the presidency, was now dismissed from the council. The same disgrace attached to Essex, Salisbury, Sunderland, and Sir William Temple. Sir William had studied to serve the king, but was not prepared to do so at the cost of his long-cherished reputation. His impression now was that Charles despaired of governing the country by means of parliaments, and that he had resolved on attempting to govern without them. But there were reasons which made it expedient that one more experiment of this kind should be made. Another parliament was summoned, and Oxford was named as the place of meeting. The probable course of events made the Tory atmosphere of that place more convenient than the Whig atmosphere of Westminster. Sixteen peers petitioned the king to allow the new parliament to meet in the old place of assembly. His majesty returned no answer.†

Charles made his appearance in Oxford a week before the day on which the two houses were to meet. The royal guards were lodged, partly in the city, and partly in the suburbs. Several of the opposition members made their appearance attended by considerable numbers of servants and retainers. A large body of men who came in the train of the four city representatives, wore blue ribbons in their hats, with the

* *Parl. Hist.* iv. 1216-1295. Ralph, i. 530-560. Lord John Russell's *Life of Lord William Russell*, i. 251.

† Reresby, 113-115. Burnet, ii. 274-276. Ralph, i. 560-562. Temple's *Memoirs*, Part iii. 354, 355.

motto 'No Popery! No Slavery!' On both sides there were the same martial and suspicious appearances. In fact, the scene was said to resemble the meeting of a Polish diet rather than that of an English parliament. The Whigs had lost nothing in the recent elections. The press had been sedulously employed on both sides to influence the feeling of the public.*

The Oxford parliament. 1681. Mar. 21.

The policy of Charles now was to keep up the appearance of great moderation, and to be ready to avail himself of any extravagance or indiscretion on the part of his opponents for the accomplishment of his object. He reminded the two houses of the degree in which he had complied with the wishes of the late parliament. He spoke of his willingness to forget the kind of return which he had met with from the hands of that assembly. Liberty of the subject was as dear to him as to any man, but that liberty must suffer from any invasion of the just rights of the crown. In regard to the succession, he still thought as he had always thought, and was prepared to listen to any expedient that might secure the administration to the hands of Protestants, in the event of a Popish succession.†

The Exclusion Bill is again introduced.

It was resolved by the opposition that the Exclusion Bill should be again brought in. It was moved by Sir Robert Clayton, one of the members for the city, and was seconded by lord Russell. In the course of the debate a new scheme, to which some allusion had been made by the king, was explained by Sir John Erenly. It was to give the duke the title of king, and his daughter the power of regent, the duke himself being banished to a distance of five hundred miles from Great Britain and Ireland. According to this proposal, the regency would have been vested in the prince and princess of Orange. Sir Thomas Littleton, a person

* North's *Examen*, 90-102. Ralph, i. 560-568. Burnet, ii. 281.

† *Parl. Hist.* 1303-1305.

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of great weight on the side of the opposition, spoke with much earnestness in favour of this project, and there was some reason to suppose that Halifax, Seymour, lord Nottingham, and even the king might be brought to listen to it. But it was objected by Sir William Pulteney, Sir William Jones, and others, that the English law knew nothing of a separation between the person and the power of the sovereign; that the proposed distinction between a king in fact and a king in law, would lead to endless misconception and inconvenience, would perpetuate a spirit of divided allegiance, and could hardly fail of ending in the horrors of a civil war; that the majority of the present house of commons had been deputed by their constituents to give their vote for the Exclusion Bill; and that while the only immediate effect of urging the proposed scheme would be the mischief of delay and division, the adoption of it would entail upon the country the necessity of keeping up a military establishment four times more considerable than would be required to sustain the bill which it was intended to supersede.*

On such grounds, and knowing well that James was not at all likely to assent to any such measure, the commons decided in favour of the bill. It was read the first time, and the members were entering on other business, when the usher of the black rod knocked at the door, and gave notice that the king commanded the immediate attendance of the commons in the house of lords. His majesty there informed the lower house, that an assembly whose beginnings had been marked by so much division, could have no good conclusion, and that he had therefore given instruction to the lord chancellor to declare the parliament dissolved.

Parliament dissolved. Mar. 28.

Such was the fate of the Oxford parliament. It

* Reresby, 117, 118. *Parl. Hist.* iv. 1317-1332. *Life of Lord Russell*, i. 267.

lived through one short week—it was assembled on one Monday and dissolved on the next. The course which the commons had taken was no doubt that which Charles had expected and desired. The members had complained during the week that the convocation house in which they met was too strait for them, and orders were given that the theatre might be prepared for their use. Charles surveyed the progress of the work on Saturday, and so late as Sunday evening entertained persons about him with talk respecting the better accommodation which had been thus provided. On the following morning his majesty went as usual to the house of lords in a sedan chair; and another chair followed with closed curtains, which, in place of being occupied by an attendant, contained the royal robes. In this manner Charles contrived to take the commons by surprise, and prevented the passing of such resolutions as had immediately preceded the last dissolution. The king had told Sir William Temple during the elections, that in the present tendency of affairs, he did not see that his friends could do him any service by contending for seats. In fact, the certainty of a dissolution was known in London before it had taken place in Oxford.*

Artifice of the king.

In a few days Charles issued a Declaration from Whitehall, purporting to be a statement of the reasons which had influenced him in dissolving the last two parliaments. He complained that the great concessions he had made with a view to the safety of the Protestant religion, and of the liberty and property of his subjects, had been so little appreciated; that in place of the return which he had reason to expect, remonstrances were presented to him under the name of addresses; eminent persons were voted enemies to the king and kingdom without any proof of misconduct; others had been arrested under the pretence of parlia-

The king's Declaration.

* Burnet, ii. 281. Temple's *Memoirs*, Part iii. 354. North's *Examen*, 104, 105. Ralph, i. 581. Reresby, 119-120.

mentary privilege; not only had all supplies been stopped, but the payment of tallies and anticipations had been forbidden; and so far had this temper been indulged, that the commons had presumed to interfere for the purpose of preventing the due execution of the law against Protestant dissenters. But the great sin of the Oxford parliament was in its adherence to the Exclusion Bill, notwithstanding the assurance that the royal assent would never be given to it. In conclusion, Charles declared that it was not his intention, as designing men would no doubt affirm, to dispense with the use of parliaments, but to convene them regularly so soon as that might be done with safety to the public interest.*

Reply of the Opposition.

An answer to this paper was published by the Opposition under the title of 'A Just and Modest Vindication of the Two Last Parliaments.' This document was prepared by Algernon Sidney; it was considerably revised by Somers; and received its last correction from Sir William Jones. The argument of this production was in every way masterly and convincing, and its language was characterized by great force and accuracy. It admitted that the kings of England were entrusted with the power of calling and dismissing parliaments; but added, that as a check upon such power, the wisdom of our ancestors had provided that parliaments should be convened annually, and that they should not be dissolved until due attention had been given to all petitions and bills before them. These privileges were secured to the nation by ties no less sacred than those which bound the sovereign at his coronation oath to administer justice, and to preserve inviolate all the other rights and liberties of his subjects. That the late dissolution had taken place at a time when the authority of the legislature was alone competent to provide for the public safety, and by the sole authority of the king,

* Kennet, *Hist. Eng.* iii. 388, 389.

without the advice of his council—which was a manifest breach of the law and usage of the realm, exposing the king, instead of his advisers, to the censures merited by unworthy actions.

With regard to the conduct of the commons, if they were chargeable with violent proceedings, it was certainly, for the most part, in their endeavours to act upon the advice which had been so often addressed to them from the throne, particularly on the subject of the popish plot, the king having declared that in all matters concerning the public safety he would lead, and not be content to follow, the zeal of parliament. And in regard to the Protestant Nonconformists his majesty had often expressed himself desirous of exercising a dispensing power in their favour, and his hope of being able to prevail on the wisdom of parliament to concur with him in some measure of relief for that portion of his subjects, Even so late as the year 1679 his majesty had recommended that a marked difference should be made between the Protestant and Catholic recusant. But since that time the conduct of Papists had become such as no sincere Protestant could witness without the danger of being carried into some excess. Still, nothing had been done on those questions contrary to the laws of parliament, or inconsistent with the gravity of an English senate.

It was true the king had used gracious expressions on opening his last parliament at Westminster, but no part of his majesty's conduct had been in accordance with that language. No prayer offered by the commons had been regarded—no, not when its object was to remove such a functionary as Sir George Jeffreys, or to rescind a law which exposed the Protestant dissenter to the penalty of death for absenting himself from his parish church. Much had been said concerning his majesty's alliances, but little had been done to make the parliament acquainted with the real nature of those transactions, or to make it clear that

the decayed state of the monarchy of Spain, or the settlement of Tangier, should be topics of prime interest to a people who were brought by circumstances into a struggle for existence. Admitting that the addresses of the house sometimes partook of the nature of 'remonstrance,' was not the king himself engaged at this moment in expounding the reasons of his conduct to his subjects; and could there be anything criminal in the attempt of subjects to disabuse the mind of the sovereign by such means? It was true, parties had been arrested as violating the privilege of parliament, by encouraging addresses in which they declared that they abhorred the act of petitioning the king for the meeting of such assemblies; that several eminent persons had been declared by the commons to be enemies to the king and kingdom; and that loans in anticipation of the revenue had been condemned; but in favour of all those proceedings there was enough of law and precedent to be adduced to justify what had been done. That they had assumed a power to repeal laws was an unfounded and disingenuous assertion. They had merely declared an opinion. It was a fact that they had censured the conduct of the lords in refusing to take up the impeachment of a commoner, and they were prepared to vindicate what they had done in that case. It was also true, that they had pressed the Exclusion Bill at Oxford, notwithstanding his majesty's declaration. But the interdict of any subject of debate in parliament by royal authority, was itself a violation of the constitution, and if once admitted would leave only the shadow of freedom to lords or commons. Nor could they see, when they called to mind what the Protestants of England had done for Charles II., that the sacrifice of personal feeling which that measure demanded was at all greater than they had reason to expect from him. What they had done on that question they had done in open day. They would have

the throne secured to a Protestant sovereign. They aimed at nothing more.*

The public feeling in favour of the court.

But able as this vindication was, it made little impression, compared with what was produced by his majesty's Declaration. The pulpits of the land were at the command of the king. His opponents had no access to them. A copy of the royal instrument was sent to be read in every church and chapel throughout the kingdom. The clergy generally, performed the service to which they were called with much good will. The part of the paper which pointed to the sympathy of the Exclusionists with the Protestant Nonconformists was read with special emphasis. The cry of church and king was loudly raised. Multitudes of addresses were presented expressing the utmost confidence in his majesty's good intentions, and a full approval of all that had been done. Within a fortnight after the appearance of the royal manifesto, the justices of Middlesex, and the grand jury of Southwark, assured his majesty of their entire satisfaction with his proceedings, and of their readiness to support him with their lives and fortunes. Sailors, watermen, and apprentices were encouraged to present addresses of this description, in which they were made to rival their betters in the abuse of parliaments and in praise of the prerogative. Concerning the length to which many of these compositions proceeded, some judgment may be formed from the language used by the University of Cambridge. 'Our kings,' say that learned body, 'derive not their titles from the people, but from 'God; and to him only are they accountable. It 'belongs not to subjects either to create or censure, 'but to honour and obey their sovereign, who comes 'to be such by a fundamental hereditary right of suc- 'cession, which no religion, no law, no fault, no for- 'feiture, can alter or diminish.' His majesty was a prince the most gracious and indulgent that heaven

Cambridge inculcates passive obedience.

* *Parl. Hist.* iv. App. No. xv.

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had ever bestowed upon a people, and had saved them from a return of all the disorders and sufferings which came in with the Long Parliament and had lasted to the Restoration. Everywhere, the same party said the same thing. All who did not wish to see such ruin in church and state as had come in the train of the civil war, were to rally around the throne.

Discouragement of Whig addresses.

Of course, the Whig electors, who had sent up their majorities to successive parliaments, might have multiplied addresses of another description on the same scale. But measures were taken to prevent that inconvenience. Some addresses of the better kind were presented. But the answers to both were printed in the 'Gazette;' and the Whigs were made to feel, that to approach the royal presence for such a purpose, was to expose themselves to public insult. The expedient was successful. The addresses soon came to be all on one side.

Causes of the reaction.

'It was now only too manifest that a dark day had come to the cause of English liberty. Charles and James had forfeited all claim to the confidence of the men who valued that cause. The servile maxims by which the sovereign upon the throne and the sovereign in prospect were influenced, had been sufficiently disclosed and avowed to have become notorious with all public men. Among the leaders of the Whig party were men of judgment and of high moral worth. But all were not of that character. It was so with the measures of that party. They embraced the wise and the not wise. The error which took precedence of every other, was that of looking to the duke of Monmouth as a future king, in place of looking to the princess Mary as the only admissible successor to her father. Charles had stood upon the defensive. He had succeeded in placing himself before the country as an object of sympathy. As a king, he might be excused in feeling strongly on a point of kingly right. Everything seemed to say that his feeling on this subject was sincere. By making the surrender demanded from

him he might have been at ease during the remainder of his days. Large supplies might have been at his disposal. But to be required to give up the principle of succession; to disinherit a brother by so doing; and all this in favour of an illegitimate son, these were felt to be hard terms. Moreover, the Popish plot, which had done so much to inflame the Protestant feeling of the country may be said to have come to an end. Bad men, who had sent so many victims to the gallows, had been made to follow them. Not a few began to suspect, that the cry which had certainly been a falsehood in part, might have been a falsehood altogether. Above all, the danger alleged by the Exclusionists was remote and uncertain. Charles was not in decrepitude. His brother might not survive him, and the princess Mary, the next in succession, was a Protestant. Her sister Anne also was known to be sound in the faith of the English church.

All these things considered, the safe course, it was said, would be to abide by the old paths of the constitution, and to combine against a party, who, beginning in disloyalty, would probably end, if left to themselves, by sending another usurper into the place of a line of kings, and by raising fanatical sectaries into the place of prelates in our cathedrals, and of orthodox professors in our universities. The Whig party had not sufficiently estimated these potent influences, and they were to pay the penalty of so grave an oversight. If the government shall acquit itself prudently, this depression of the vanquished party may be of some continuance. If there is to be excess in the exercise of power, the turn of the tide, which will be sure to come, will be hastened. Charles I. had presumed upon his strength in the same circumstances and had lost everything. What the experience of his sons would be in a like crisis remained to be seen.

Proceedings against College. July.—Aug.

The first act of the government foreshadowing the evil to come, was the trial and execution of Stephen College, known at the time as the 'Protestant joiner.'

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College was a carpenter by trade, an ardent Exclusionist, and was charged with being engaged in a conspiracy, during the sitting of the Oxford parliament, to seize the person of the king and to change the government. When brought to trial in Middlesex, Whiteacre, his attorney, had been sent to the Tower by a purely arbitrary warrant from the crown, that the prisoner might not have the benefit of his known skill. The jury, however, in defiance of sergeant Jeffreys, insisted on examining the witnesses after their own manner. The falsehoods thus detected were such that College was acquitted. It was now said, that as the treason had been carried on in Oxfordshire there should be a new trial in Oxford. In that place a different jury could be panelled. College defended himself a whole day, in the presence of a bench, a jury, and a populace, eager to shed his blood. No conspiracy was proved. Some expressions said to be treasonable were charged against him. On the evidence of men who should not have been allowed to have place in a witness-box, he was condemned, and sent to the gallows.*

Trial of Shaftesbury. 1681. July—Nov.

The next victim aimed at was one of higher mark. The earl of Shaftesbury was charged with having plotted to depose the king, and to raise arms for that purpose, should he resist the measures of the Oxford parliament. It was not found possible to move this trial beyond the bounds of Middlesex. In the city, the sheriffs would insure an independent jury. But the court could marshal the highest ability against the prisoner, both on the bench and at the bar. The witnesses in this case, as in that of College, consisted, with one exception only, of men hacknied in the perjuries which had brought so much scandal on the Popish plot. Even the bench could not affect to think that the indictment had proved to be a strong case; and the jury pronounced a verdict of *ignoramus*,

Burnet, ii. 290-293. Ralph, i. 612-633. *State Trials*, viii. 549 et seq.

which acquitted the prisoner. This announcement called forth loud acclamations from the populace within and about the court. In Oxford, the same expression of popular feeling had followed the sentence of guilty when pronounced against College.*

Persecution of Nonconformists.

The jury which gave the decision in favour of Shaftesbury is said to have included many Nonconformists. An attack was at once made on that body. Jeffreys, as chairman of sessions, rejected the greater part of the jurymen presented by the under-sheriff, on the ground that they frequented conventicles, or came very rarely to church. The judges at the Old Bailey, by intimation from the king, took the same course. Men living in the violation of the law, it was said, should not be allowed to take any part in the administration of law. Nor was it enough to put this arbitrary disparagement on these zealous allies of the Whigs. By the 'express pleasure' of the king, the old laws of Elizabeth and James I. were enforced against them. They were thus made to feel that their nonconformity might not only exclude them from juries, but from appearing as witnesses, or from recovering their debts. Way was thus made, says Archdeacon Echard, 'for all sorts of prosecutions, both 'in city and country: which in many places were 'carried on with great spite and severity. So that, 'for the most part, the dissenters, this year, and much 'longer, met with cruel and unchristian usage, greater 'than any subject had felt since the Reformation.'† In Uxbridge alone two hundred warrants of distress were issued.‡ From the pulpit, the doctrine of passive obedience was published in the most absolute terms. From the press, the same maxims came coupled with every sort of misrepresentation and calumny, to which no man dared return an answer. Sir Roger L'Es-

* *State Trials*, viii, 759 et seq. Ralph, i. 643-645. Reresby, 126-128 Burnet. ii. 296-298.

† *Hist. Eng.* ii. 1017.

‡ Kennet's *Hist.* iii. 393, 394. Ralph, i. 667-699.

trange was the leader in this Billingsgate department of literature, a man who could tell his readers that he knew not the use of a citizen's skull unless it were to try the temper of a soldier's blade.

Struggle on the choice of sheriffs.

But to chastise the Nonconformists upon this scale was not enough. With such prospects before it, the government became concerned that the city sheriffs should be men at its service. By that means, juries might be conveniently packed on all important occasions. Three months after the dissolution of the Oxford parliament, the livery of London was summoned to choose their sheriffs. Court candidates claimed their suffrage, but the Whigs carried the election by a majority of three to one. The great struggle, however, on this question was to come. Before the year 1680, it had been a custom for the lord mayor to put a person in nomination for the office of sheriff by drinking to him at the Bridge-house feast, and the person so nominated was usually chosen at the common-hall. But it was not a law that the mayor's nominee should be accepted. He had often been set aside. This was the course taken in 1680, when the livery elected two sturdy Independents named Cornish and Bethel; and the same course was resolved upon in 1682. It is beyond doubt that the livery had a right so to do, and equally beyond doubt that the Whig liverymen could carry the election by a very large majority. But by dint of artifice, intimidation, and force, the government succeeded in appointing its own sheriffs and its own mayor. The common council retained a majority of Whigs. With that exception, the corporation was lost to the side of liberty and law.*

Seizure of the city charter. 1683.

The seizure of the city charter was a natural sequel to these proceedings. By this process, the crown would possess a veto on all appointments to office connected with the government of the city. To dis-

* Ralph, i. 685-695. North's *Examen*, 595-616. *Life of Lord Russell*, ii. 15-19. Burnet, ii. 333-348. *Life of Lord Dudley North.*

guise the iniquity of this proceeding, it was alleged that the citizens had forfeited their charter by violating its conditions. Two acts of this nature were especially dwelt upon—the first was, that a petition had been presented to the king, lamenting the prorogation of parliament, and praying that it might be reassembled; the second was, that tolls had been imposed on commodities in the London markets. In reply, it was said, that the petition was a mere echo of the speech which the king had addressed to the two houses, and could not be illegal; while the tolls at the markets owed their origin in great part to the same high authority, inasmuch as his majesty, after the great fire in 1666, had advised the corporation to make better provision for conducting the traffic of the city, and such provision could not be made without funds. But it availed nothing to show the hollowness of these pretexts. The charter was declared void. The corporation, in all its action, became a matter of royal sufferance.*

Seizures through the kingdom. 1684.

After the fate of London, no city could deem itself secure. In all directions, boroughs in which the Whig influence was known to be strong were subjected to the same ordeal and the same loss. Not a few corporations sought to propitiate the government by a voluntary surrender of their charters, hoping, as a reward of their subserviency, to receive them again in a less injured state than otherwise. Thus the spirit of the country appeared as if utterly broken and changed; and the measures of the king, in place of being restricted to a correction of the errors of the Whigs, became such as to demonstrate that his majesty's purpose, was not only to suspend the action of parliaments, but to crush English liberty. The conduct of Charles II. was as manifestly treason against the nation as anything charged in the indictment against his father.

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* Ralph, i. 695-696, 712-720. Kennet's *Hist.* iii. 395, 396. Burnet, ii. 342, 346. North's *Examen*. 642-646.

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The Rye House plot.

It is hardly strange that some men should have been goaded by such oppressions almost into madness; or that the most calm and thoughtful men should have endeavoured to persuade themselves that a change so violent and shameless could not be of long continuance, and should have watched for appearances that might seem to promise the return of better days. Shaftesbury would have stimulated his friends to insurrection. But Monmouth declared that no such movement could be successful. The earl, however, had so far committed himself to a project of that nature, that on finding it a failure, he consulted his safety by flight, and ended his restless, and often mischievous career, as an exile in Holland. But he left the seeds of the Rye House plot behind him. Some desperate persons were said to have meditated the assassination of the king and the duke of York at that place, on their return from Newmarket. The witnesses were all base men, who by swearing away the lives of their confederates hoped to save their own. The detection of an affair of this nature rose in importance when it was found that there had been conference between some of these malcontents and the duke of Monmouth and lord Russell. No one can suppose that Monmouth or lord Russell were parties to any design against the life of the king. But men of their party frequently met and discoursed on public affairs. It happened that lord Russell came to town on private business, and the duke of Monmouth took him to a meeting of that description at the house of one Carpenter, a wine merchant. Four persons were present, two of whom were implicated in the Rye House project. In this manner, by apparent accident, lord Russell was brought within the current of the fatal vortex.

1683. June, July.

Case of lord Russell.

It was said, that at this meeting, amidst other talk, the feasability of seizing the king's guards was suggested. On that point the charge of treason against lord Russell was mainly founded. In the paper which his lordship left with the sheriff on the scaffold, he

said, and no doubt truly, that no discourse of that nature had ripened into a design, or had ever been indulged in his presence but to be at once discountenanced. It must be confessed that lord Russell had suffered himself to become mixed up, with less caution than prudence would warrant, in the schemes of men who shared little of his own spirit of moderation and integrity. He thus placed himself within the power of his enemies, and relentless was the use which they made of their advantage. No treason, however, was proved against him. His death was that of a martyr to the liberties of his country. The same may be said of Algernon Sidney. Judgment against Sidney was given on the hearsay evidence of a single witness, that witness being notoriously one of the most worthless of mankind; and on a passage in a private manuscript which declared, 'that the people of England, in electing a parliament, delegated their own power to that body; and that a sovereign is responsible to God as he is a man, and to his people as he is a king.'*

Case of Sidney. 1683. Nov.

The shedding of such noble blood, and the blood of some less considerable victims, was not received by the people in a way to be pleasing to the government. All had received the same hard measure in the courts of law; and the manner in which they all met their great trial, called forth admiration and sympathy. When lord Russell declared himself innocent on the scaffold, voices from the crowd exclaimed, 'We believe you, my lord!' And when that princely head was held up by the executioner, a deep groan came from the heart of the multitude. No pains, however, were spared to charge the press with representations designed to fix the worst infamy attributed to the Rye House conspirators on the whole Whig party; and as no man dared to publish any counter-statement, the

State of popular feeling.

* *Life of Lord William Russell*, ii. 24-65. Ralph, i. 720-745. Burnet, ii. 373-375. Howell's *State Trials*, ix. 578 et seq. Phillips's *State Trials*, ii. 1 et seq.

mind of the people was shamefully abused, and their passions were inflamed in many quarters to an extraordinary degree.

Charles continues correspondence with Louis.

During all these proceedings Charles kept up his correspondence with Louis, and sold the neutrality of our country at the best price it could be made to bring. The continued aggrandizement of France filled all states with apprehension. Louis knew that one of the first measures of an English parliament would be to call for a war against him. To protect himself against that inconvenience, the sum of two millions of livres was paid to the king of England for a year, dating from March, 1681, and 500,000 crowns annually were promised for two more years. But it is observable that Charles could not be brought to attach even his own signature to this treaty. 'It appears to 'me,' says the French ambassador, 'that this prince 'would not dare to make a treaty public in which he 'has engaged himself not to assemble a parliament: 'it would be very dangerous to his person, and con-'trary to the laws of England.'*

The king is not at rest —his death.

But Charles was by no means so happy, amidst this apparent success of his plans, as the inconsiderate were inclined to suppose. His revenues were heavily burdened, and difficulties in that shape were likely to multiply rapidly upon him. He had seen enough to make him sensible to the uncertainties of popular feeling. He had raised the duke of York to the office of lord high admiral in violation of the Test act. He performed some other acts which indicated that he had no intention of meeting another parliament. Still, when James urged upon him some bolder measures than he was prepared to adopt, he was heard to say, 'Brother, I am too old to go again on my travels; you 'may if you choose it.' Indeed, towards the close of 1684, there was a rumour that the king intended to change his measures; that he meditated sending the

* Dalrymple, App. 300, 301.

duke of York to Scotland; recalling the duke of Monmouth; and had determined to assemble a parliament, and to cast himself on the feeling of his subjects. It will not be found difficult to attach some credit to these rumours, when it is remembered that Charles had not only placed himself in such a relation to his people, as to be wholly in the hands of Louis, but that the latter, with the selfishness characteristic of such men, had shown himself disposed to take advantage of this circumstance, and had become irregular in his remittances. Such rumours however were to end in rumour. Charles II. was seized with a strong fit of apoplexy, and after a few days' illness was no more. On his death-bed he received the communion according to the rites of the Catholic church. 1685, Feb. 6.

Accession of James II.

And now the crisis — the long-dreaded crisis has come. Will the sceptre be allowed to pass—to pass tranquilly into the hand of a Popish sovereign? Protracted and earnest effort has been made to preclude that event. Fortunately for James, some days were to pass between the beginning of his brother's indisposition and the end, and that interval the duke sedulously employed in taking every precaution to ensure his peaceful accession. And that accession takes place. No voice is raised against it. No signs are seen but those of a general acquiescence. Men who wonder at this do not sufficiently remember the strength of that instinctive loyalty which Providence has implanted in the heart of nations; and do not remember how much there was in the character of Charles, notwithstanding his many vices and his many oppressions, to make him popular, and to give potency to his will on such a question at such a moment. Nor is it easy to imagine any scheme of resistance at all plausible that could have been devised at that juncture.

The king's Declaration.

James lost no time in assembling his council. His majesty said, that before entering on business, he wished to say something to them. Since it had pleased God that he should succeed so good and gracious a

king, he thought it fit to declare to them that he should endeavour to follow his example, especially in regard to his great clemency and tenderness towards his people. He had been reported to be a man fond of arbitrary power, but that was not the only story that had been raised concerning him. He should make it his endeavour to preserve the government, in church and state, as established by law. He knew the principles of the church of England were in favour of monarchy, and that the members of that church had shown themselves good and loyal subjects. He should, therefore, always take care to defend and support it. He knew, too, that the laws of England were sufficient to make a man as great a king as he could wish to be; and as he would never part with the just rights and prerogatives of the crown, so he would never invade the property of any man. He had often ventured his life in defence of the English nation, and he would go as far as any man in defending its just laws and liberties.*

How received.

The council expressed themselves delighted with what his majesty had said; and prayed that they might be allowed to commit it to writing, and to publish it to the nation. His majesty consented, and what had been delivered as the voluntary utterance of the mind of the king to his ministers, was proclaimed to the three kingdoms. By the Tories it was praised beyond bounds. It was said to guarantee everything they could desire. It was to be accepted, not only as the word of a king, but of a king whose word had never been broken. No statute could be a better security to any reasonable mind. But there were men to whom the language of the new king was not a little contradictory. How taking example from his late majesty was to be made to comport with a rule of clemency, of great tenderness towards the English people, and of great respect for English law, was not

* Kennet, iii. 421. *Parl. Hist.* iv. 1342.

seen to be very intelligible. The triumphant Tories might be in ecstacy; but the vanquished Whigs were sullen, distrustful, and would wait the revelations of the future.

The ministry.

Since Charles had ruled without a parliament, his ministers may be said to have embraced two parties. Halifax, now marquis of Halifax, with his friends, forming one; and Hyde, now earl of Rochester, with Sunderland, being at the head of the other. The altercations between Halifax and Rochester had been carried so far, that the former had charged the latter with peculation, and apparently not without reason. James retained the services of all these persons, though Halifax, in his view, was by no means an instrument to his mind. But the king's principal advisers to the end of his reign were his queen, his mistress, and his priests, and often it was not in the power of those persons conjointly to lay any affectual restraint upon his temper.

Halifax had pleaded in favour of lord William Russell, and had dared to raise his solitary voice in those dark times on the side of milder and more constitutional measures. Still, he could take office under James II. He was now removed from the office of privy seal to that of president of the council, a position of higher rank, but less power, and which to his feeling was not so much a promotion as a disgrace. But he deemed it prudent to submit to the change. Godolphin continued to make himself useful without being obtrusive, but was removed to the place of chamberlain to the queen, his office of lord treasurer being assigned to Rochester. The lord keeper Guildford too nearly resembled Halifax to be in favour with the king; and even the duke of Ormond, the venerable representative of all that was faithful and chivalrous in the adherents of the house of Stuart, was known to be so little disposed to ally himself with popery or with arbitrary power that James placed him among the distrusted. He now ceased to be lord lieutenant

of Ireland, and his friends at Whitehall saw him degraded to the office of lord steward. The place of Sir Francis Pemberton, as chief justice of the King's Bench, had been supplied some time since by a less scrupulous functionary in the person of Sir Edward Saunders; and by this time, Saunders had been displaced by Jeffreys.

Such were his majesty's chief servants, or instruments. With regard to a parliament, judging from the present condition of the chartered boroughs, and from the servile addresses presented to him by the bishops, the clergy, the universities, and from many parts of the kingdom, James might well think it possible to convene a new house of commons that would not prove unmanageable. It was observable that none of these addresses questioned the reality of the Popish plot. So clear was it, that the Exclusion Bill, and the general parliamentary policy of the men who sustained it, had been the main cause of this great change in the relation of parties.

Negotiations with Louis.

But James could not see immediately on his accession what the feeling of the country might be. In fact, his fears in this respect seem at first to have balanced against his hope; for on the day after the demise of the late king, he sent for Barillon, the French ambassador, to assure him that it was his purpose not to do anything of importance without consulting the king of France; and he descended to plead the circumstances of his position as the reason of his having decided to call a parliament without waiting to consult the sovereign at Versailles on that point. The mention of money was left to Rochester, lord treasurer, in his interview on the following day. Rochester stated more fully the considerations which made it expedient that a parliament should be convened, the principal reasons being, that to allow the king of England to depend wholly on aid from France, would be to impose an inconvenient burden on his Most Christian majesty; and that some use of such an assembly

at such a juncture would be favourable to the policy common to the two crowns. In brief, the semblance of a parliamentary government was to be kept up for economical reasons, and as an apparent compliance with the wishes of the English people; while in reality, the harmony between the crown of England and the crown of France was to be made secure, by means of secret arrangements for that purpose. Louis could not prevent a meeting of parliament: but he had foreseen that it would not be to his interest that James should meet that assembly with the feeling of a man who had no other dependence. Hence the French ambassador, within a few days after his interview with Rochester, presented himself with a letter from his master, and bills of exchange to the amount of five hundred thousand livres. James listened to the communication made to him with tears in his eyes, and expressed his gratitude to the royal donor in terms befitting some unfortunate being whom some extraordinary act of compassion had rescued from penury and a jail.

Plans of the king.

What the plans of the new king were before this communication is uncertain. But it is clear that from this time they embraced an enlargement of the power of the crown beyond the limits determined by law. It is certain, also, that the Test act, and the laws proscribing the Catholic worship, were to become a dead letter. His majesty indeed could hardly mean to enforce laws upon others, which he had resolved should be violated in his own person. But this would seem to have been the extent of innovation contemplated at present. The speedy substitution of a Catholic in the place of a Protestant hierarchy was too extravagant an idea to be entertained even by his narrow and sanguine temper.

Continued persecution of dissenters.

In pursuance of the policy described, the king issued a proclamation which required that all persons who had been imprisoned for refusing the oaths of allegiance and supremacy should be set at liberty. Several

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thousand Catholics were released by this means, and with them no less than twelve hundred Quakers. But under the show of an equal liberty to all persuasions, Protestant Nonconformists were secretly given up, in a multitude of cases, as a peace-offering to the intolerance of the established church. On the whole, the change of sovereigns brought no relief to that class of sufferers. It was at this juncture that Richard Baxter, that patriarch among confessors for conscience' sake, was exposed to the brutal treatment heaped upon him by Jeffreys. Jeffreys knew the mind of his master. Poor Baxter's crime was, that he had used expressions in a commentary on the New Testament which favoured resistance to the civil power in some possible cases; and others which betrayed his disapproval of the order of diocesan bishops. The sentence was, that the offender should pay a fine of 500*l.* and find security for his good behaviour during the next seven years. The injured man remained a prisoner until it suited the purpose of the court to change its measures two years later.* If such was the experience of Baxter, it is easy to imagine what the treatment awaiting inferior victims must often have been.

Meeting of parliament. 1685. May 19.

When parliament assembled, it became manifest that the use made of the Rye-house conspiracy, together with the new modelling of the corporation charters, had been such as might have been expected. It proved that the elections were almost wholly at the disposal of the court. The earl of Bath carried fifteen new charters to disfranchised boroughs in Cornwall. The name given to his lordship accordingly, was that of the 'Prince Elector.' Among the members returned were some who were not above the rank of 'clerks or gentlemen's servants.' Not much more than a hundred of the persons who had a place in the commons in 1680 were found in the present. The house consisted, for the most part, of men whose

* Neal, v. 4, 5.

hatred of the Whigs, and zeal for the church, disposed them to concur with almost any scheme which bore the appearance of hostility towards the party whose power had been so much depressed, and whose blood had been so freely shed. James, on looking over the names, said there were not more than forty to which he felt any objection. We scarcely need say that a parliament so constituted was likely to be much more dangerous to liberty than no parliament.*

The king's speech.

Submissive, however, as the lower house was likely to prove, the king addressed it in language which showed that his confidence was not without some misgiving. He claimed a settlement of the ordinary revenue during life, as in the case of his predecessor, and said, 'I might use many arguments to enforce 'this demand—the benefit of trade, the support of the 'navy, the necessities of the crown, and the well-being 'of the government itself, which I must not suffer to 'be precarious; but I am confident that your own 'consideration, and your sense of what is just and 'reasonable, will suggest to you whatever upon this 'occasion might be enlarged upon. There is indeed 'one popular argument which might be urged against 'compliance with my demand: men may think that 'by feeding me from time to time with such supplies 'as they think convenient, they will better secure 'frequent meetings of parliament: but as this is the 'first time I speak to you from the throne, I must 'plainly tell you that such an expedient will be very 'improper to employ with me; and that the best way 'to engage me to meet you often is to use me well.' This last portion of his majesty's address had been supplied by himself, at a meeting of the council, and had been substituted in place of something much more moderate prepared by the lord keeper. It was the pleasure of the king to assure the parliament, in effect,

* *Parl. Hist.* iv. 1298-1343. Evelyn, i. 558, 562. Mackintosh's *History of the Revolution*, 3.

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that it existed on sufferance, and during good behaviour. The policy of Louis had been successful. James flattered himself, that under any failure in St. Stephens, he had an efficient friend at Versailles, and acted accordingly.*

Servility of the two houses.

But so disposed was the party in power to put the most favourable construction on everything proceeding from the throne, that even this language did not call forth exception of any kind. To unprejudiced men its meaning must have been obvious and significant enough. But such men dared not give expression to their thoughts. The demand concerning the settlement of the revenue was at once complied with. The earl of Argyle, who had taken up arms in Scotland, was denounced as a traitor. The duke of Monmouth, who since the meeting of parliament had landed in the west of England, was attainted. The liberty of the press, which had come virtually to an end when the courts of law became the mere tools of the government, was formally extinguished by a revival of the statute of the 13th and 14th of Charles II. In an act for 'The Preservation of His Majesty's Person,' it was made to be high treason to assert that the birth of the duke of Monmouth had been legitimate, or to propose in parliament any alteration in the law of succession to the crown. So the mere expression of opinion on a question which had been so often discussed with impunity, was to expose the offender to a traitor's death; and a liberty of parliament which had been unquestioned down to the death of the late king, was to be its liberty no longer.

But they will uphold the church.

But lightly as this parliament seemed to estimate the most valued provisions of the civil constitution, some signs of apprehension were betrayed in regard to the safety of the church. The commons appointed a committee of religion, which voted unanimously, 'That it is the opinion of the committee that this

* *Parl. Hist.* iv. 1354.

'house will stand by his majesty with their lives and 'fortunes, according to their bounden duty and allegiance, in defence of the reformed church of England, 'as it is now by law established; and that an humble 'address be presented to his majesty, to desire him to 'issue forth his royal proclamation to cause the penal 'laws to be put into execution against all dissenters 'from the church of England whatsoever.' Of course 'all dissenters whatsoever' included Catholics and Protestants. James was not likely to assent to such a measure. Hence the resolution adopted by the commons was, 'That this house doth acquiesce, and 'entirely rely, and rest wholly satisfied with his ma'jesty's gracious word and repeated declaration, to 'support and defend the church of England, as it is 'now by law established, which is dearer to us than 'our lives.' Mr. Seymour, a Tory, and a zealous opponent of the Exclusion Bill, ventured to suggest that some inquiry should be made as to the validity of the returns made at the elections; and spoke of a rumour abroad concerning an intention to repeal the Test and the Habeas Corpus acts. Seymour described those acts as the bulwarks of religion and liberty. But this solitary utterance of independent thought called forth no sign.*

Such then was the character of the party now ascendant. It was proposed to brand as rebellion and treason any resistance to the power of the crown, so long as the exercises of that power were restricted to invasions of the civil liberties of Englishmen. To the church only were these persons bound by ties more sacred than those which placed them in subjection to the sovereign. Had James continued faithful to his promise to protect the church of England, he might beyond doubt have done much towards bringing back the days of Laud and Strafford, and

* *Parl. Hist.* iv. 1351-1366. *Journals*, May, 27-29. Lonsdale's *Memoirs*, 5-8.

might have consolidated not a little of the tyranny of those times by acts of the legislature.

Enterprises of Argyle and Monmouth.

At the head of a considerable body of English exiles in Holland were the duke of Monmouth and the earl of Argyle. The scheme to raise an insurrection against James, simultaneously in Scotland and England, owed its origin to the earl. The unfortunate duke looked on the project with misgiving, and became party to it after much hesitation. In Scotland, such was the tyranny of the government, that nothing was wanting to justify the enterprise, but the prospect of success. Had that existed, however, the mixture of vacillation and obstinacy which characterised the measures of the earl was enough to insure a failure. Before Monmouth accomplished his landing at Lyme, disaster had come on the arms of the insurgents in the north. In London, the news of the progress of Monmouth came along with the tidings that the earl had been taken, and his followers dispersed. Similar was the fate which was now to come on the duke and his adherents. Argyle, and some other leaders, perished on the scaffold. The judicial butcheries to which the poor men who had been attracted to the standard of Monmouth were subjected fill all our histories. The death scenes of Mrs. Gaunt and Mrs. Lisle. The fierce visage and savage levity of Jeffreys. The scared victims at the bar. The mourning of hundreds of broken-hearted families. The mangled limbs seen on every public gateway, and over every cross-road through more than sixty miles of country—all are pictures which live with us from our English boyhood, and make the execration of those signs of Stuart rule to be one of the tests by which we estimate all pretension to sound English feeling. Our penal code in the days of the Tudors and the Plantagenets resembled the code of most nations when passing through the same stages of civilization. The scenes which its history presents are often dark and revolting, especially those which stand related to our law of treason. But Eng-

Execution of Argyle—atrocities in the west.

land under the house of Stuart was England much more enlightened and humane than during the wars of the Roses, or under Henry VIII. In those ruder times, men condemned as traitors were often hung, quartered, and their limbs exposed without scruple as a terror to the disaffected. But it was left to James II. to go beyond the rudest age of the past in such barbarities. No sovereign in our history had ever punished revolt with such a wide and indiscriminate severity. Never had vengeance after victory distinguished so little between the responsibilities of age and the inexperience of youth; between the leaders and the led; between the treason of the bold man, and the charity of the tender-hearted woman. Never had the English bench exhibited such a mixture of brutality and buffoonery, of contempt of law and contempt of humanity. And the deeds of this 'Bloody Assize,' as it was justly called, must not be laid at the door of subordinates. The man upon the throne was the man of blood who stimulated his instruments to these excesses; who expressed approval of them when they had been perpetrated; or who complained, that terrible as they might seem, they were not so terrible as they should have been. Affectionate loyalty does not come from such experiences. We have now reached the culminating point in the history of this last aggression of royalism on English liberty and right.

Effect of the success against the insurgents on the policy of the king.

It is in the nature of immature and ill-conducted revolt that it should strengthen the power against which it has been directed. But the last of our Stuart sovereigns was not a man to make a moderate and wise use of his opportunities. His enemies had failed, and on him the effect of that failure was to generate presumption and cruelty—a cruelty which created disaffection in place of destroying it, and a presumption which prompted to rashness where caution only would have been successful.

The king will be absolute.

James flattered himself that Scotland had shown itself steady to his interests. He had seen also that

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in England the nobility, the gentry, and the clergy had all stood aloof from the adventure of Monmouth; and that the duke had been left to find his followers among men of humble life in the country, among the lower and middle classes in towns, and especially among Protestant Nonconformists. What could be more evident than that the extent of the disaffection had been ascertained; that the inflammable material had been exhausted; and that his plans might be prosecuted in future with little probability of resistance. Full of this feeling the king now ventured to dismiss Halifax from his councils. Louis applauded the proceeding. The allies looked upon it with apprehension. At home, all men possessing the least sympathy with popular principles spoke of it as a removal of the only man in the cabinet at all likely to impose restraint on the arbitrary inclinations of the king. James acted on this point in opposition to the advice of the more cautious of his council; and had not hesitated to say, that his course towards the marquis was intended to indicate what his course would be towards all persons not prepared to act in strict accordance with his wishes. It is my purpose, said James to Barillon, that both the Test act and the Habeas Corpus act shall come to an end, the latter being as much opposed to the royal authority, as the former is opposed to the Catholic religion.*

Meeting of parliament, Nov. 9.

On the meeting of parliament, Waller, the poet, now in the eightieth year of his age, endeavoured to call the attention of the commons to the excesses and cruelties of the military in the west. But it was felt that to institute inquiry on that subject would be to bring up serious complications and difficulties. The question was not taken up. Its object, however, was to be accomplished in another way.

Distrust of a standing army.

To meet the late insurrections, the king had doubled the usual military force; and in his speech on the

* Burnet, iii. 71-73. Reresby, 214. Fox's *Hist.* App. cxxi.

opening of this second session of parliament, his majesty had urged that the continuance of an army to that extent was indispensable to the safety and credit of the kingdom. The debate on this speech was postponed for three days, notwithstanding an immediate attention to it had been strongly pressed by the government. When the debate commenced, several courtier members spoke of the militia as affording no adequate security, and insisted that nothing less than the present force would suffice to insure order at home and reputation abroad. But many members of high Tory principles were displeased with this language. Sir Thomas Clarges complained that no fair trial had been made of the militia during the late insurrection. He ventured to remind the house, that overjoyed with the promises of his majesty's speech on their first meeting, they had voted altogether four millions of money for his service, and had so raised his yearly revenue, that it would be sufficient to provide even for the present army, should it be necessary to employ so large a portion of the means of the kingdom for that purpose. But he was far from thinking such an expenditure expedient: and concluded by declaring a 'standing army destructive of the country.' Sir John Seymour, a politician of the same school, spoke to the same effect. Emboldened by such men, Sir Richard Temple, serjeant Maynard, and several Whig members, expressed themselves strongly on the same side. Hence, when the question was put, that a supply should be given to his majesty 'towards the support of the additional forces,' it was lost by a majority of 225 against 156. The motion for a supply separate from that specification, was agreed to without a division. But it was carried with a provision for bringing in a bill 'to render the militia more useful.'

Debate concerning the standing army.

Mixed up, however, with this question, was another still more obnoxious. It had been rumoured before the opening of this session that the parliament would not be found so submissive as when last assembled.

The commons will maintain the Test act.

The king, having expressed his hope and confidence that such talk would prove to have been without foundation, ventured to touch on a topic upon which some difference of opinion might arise, but in regard to which his own judgment and purpose were fully determined. His majesty had issued military commissions to Catholics in violation of the Test act. 'The gentlemen,' said the king, 'I must tell you, are most of them known to me; and having formerly served me on several occasions, and always approved the loyalty of their principles by their practices, I think them now fit to be employed under me; and I will deal plainly with you—that after having had the benefit of their services in such time of need and danger, I will expose neither them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary to me.' This virtual abolition of the Test act, now deemed one of the bulwarks of Protestantism, by the sole authority of the crown, diffused suspicion and disunion among the most extravagant adherents of the court, and encouraged the friends of the constitution, though apparently a feeble remnant, to make some stand for its preservation. Sir Thomas Clarges said, that opposed as he had been to the Exclusion Bill, he set a great value on the Test act, which, in the language of the late king, provided against a 'popish army,' if it left them open to the chance of a popish successor. In his judgment, the conduct of his majesty in violating that act was not consistent with his former promises, and was in fact a blow struck at their vital liberties. Within a week after the opening of the session, the feeling in opposition to the proposed standing army, and to the retention of the Catholic officers, was expressed more strongly than before. In the end, an address was adopted, in which the commons declared that the persons who had received military commissions contrary to the act, for preventing danger that may happen from popish recusants, were by law incapable of their

employments, and that the incapacities attaching to them, 'could in no way be taken off except by act of parliament.' In conclusion, the house assured his majesty that they regarded any such exercise of a dispensing power as opposed to the rights of his subjects, and to the security of their religion.

James said in his reply, that he had not expected such an address from the house of commons, especially after the warnings he had given them as to the evils which might arise from any misunderstanding between them and their sovereign. 'I had reason to hope,' said his majesty, 'that the reputation God hath blessed 'me with in the world, might have created and con-'firmed in you a greater confidence of me. But how-'ever you, on your part, proceed, I on mine shall be 'steady to all the promises I have made, and be very 'just to my word given in every one of my speeches.' This answer the king read to the commons at Whitehall, and was observed to do so with 'great warmth.' When read the next day in the house by the speaker, an unusual silence ensued. At length, Mr. Wharton, a Whig member, moved that a day should be fixed to consider it. Mr. Coke, a politician of the same class, said, on rising to second the motion, that 'he hoped 'they were all Englishmen, and not to be frightened 'from their duty by a few high words.' But this language was deemed so unbecoming, that the speaker was sent to the Tower. It was much easier, however, to dispose of Mr. Coke, than to say what was to be done with his majesty's speech. After a short discussion, it was agreed that deliberation upon it should be deferred to a future day.

Discussion on supply.

In the debate in the commons on the question of a supply, the government had urged that the sum voted should not be less than 1,200,000*l.* But some of the most zealous Tories, in order to limit the grant to a much smaller amount, took up a strain of argument which would have been in place on the lips of popular leaders in that house in the best days of the past.

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They renewed the expression of their repugnance to a standing army. They insisted that to a country like Great Britain, a powerful navy, and a well-trained militia, were the best means of safety. They did not scruple to intimate that it would be folly to vote the large sum demanded, inasmuch as that would leave the future meetings of parliament optional with the crown. Liberal members of course strengthened these representations. In the end, it was resolved to grant a supply of 700,000*l.*, to be raised in five years, by duties on articles of French and East India merchandise.

Debate in the Lords.

In the meanwhile, this spirit in the commons, and the suspicion and discontent which were finding expression in all quarters, began to produce their impression on the lords. When his majesty's speech was read to their lordships at the opening of this session, and a vote of thanks was proposed, Halifax observed sarcastically, that such a vote would of course be highly proper, seeing his majesty had dealt so explicitly with them in the statement of his intentions. The house voted thanks to his majesty for his speech, but made no allusion to its contents. Two days later, James delivered his reply to the address of the commons, in Whitehall. The lords now came to the aid of the commons. Lord Devonshire called the attention of the house to the fact, that there was a standing army in the country, kept up in a manner unknown to English usage or law. He was supported in his free observations on this subject by lords Halifax, Nottingham, Anglesea, and Mordaunt. The youthful ardour of Mordaunt, better known afterwards as the earl of Peterborough, carried him beyond the limits to which his more cautious friends had restricted themselves. He intimated that the commons had not gone far enough. They had discoursed about 'ambiguous measures,' and about causes for jealousy and distrust. But there was no ambiguity in the case. An army was to be kept up contrary to law, and in the time of peace,

the existence of which would only tend to introduce and perpetuate that arbitrary kind of government so abhorrent to the feeling of Englishmen. Compton, the bishop of London, spoke in the name of his brethren, and expressed concurrence with the judgment thus given. The chief speaker on the other side was Jeffreys, whose services in the western 'campaign,' as he had been wont to call it, had raised him to the dignity of lord chancellor. The new chancellor hoped to beat down this resistance by indulging in the noise and insolence which had so often served him elsewhere. But he was made sensible of his mistake. It was observed, that the vulgar arrogance of this man soon gave place in that quarter to a marked servility and meanness. So strong was the feeling against him, and against the measure which he laboured to defend, that the motion to take up the subject formally four days later, was agreed to, in a full house, without a division.

Parliament prorogued —The future.

James now saw that to proceed cordially with either house of parliament, it would be necessary he should retreat from the position he had taken in regard both to the army and the Test act. But he could not be brought to entertain the thought of a retreat. He had heard the debate in the lords, was highly displeased, and resolved to prorogue the parliament. One more to his purpose he could not hope to assemble. By this proceeding, the money bill, which might have yielded him 700,000*l.*, was lost: and by what means, short of a complete abeyance of the constitution, the government was to be carried on, no one could imagine. It was the error of James, in common with many weak men, to mistake obstinacy of purpose for vigour of understanding, or at least to flatter himself that men might be made to accept the former as evidence of the latter.

Our parliamentary history during the reign of James II. extends no further. What remains, will be a struggle between the crown on the one side, and the

nation on the other. The king had assured his parliament in July, that he had 'a true English heart'—though he had written to Louis some weeks before, entreating a supply of money, and declaring with the same emphasis that his heart was French. His hope, we cannot say his affection, was now fixed more than ever on Versailles.*

Catherine Sedley—new measures.

About this time, the king was induced by the queen, and by the Catholic party in the court, to send his favourite mistress, the countess of Dorchester, formerly Catherine Sedley, out of the kingdom. His majesty had for some time resisted all importunity on this point. His compliance at last was attended by important consequences. The countess boasted of being a zealous Protestant. Her wit and influence had been directed with much freedom and effect against the priests, and against the party supporting them. Her banishment was followed by the elevation of Sunderland to the office of president of the council; by the ascendancy of the queen, and of the extreme Catholic party, in all the consultations of the cabinet; and by that general change in court affairs, which was to end in adding the disgrace of Rochester to that of Halifax. Several members of the commons were dismissed from civil and military offices on account of their recent votes. The bishop of London, as a punishment for the part he had taken in the debate in the lords, was excluded from the privy council. In short, all things seemed to bespeak a readiness to adopt measures more and more violent. The wiser men among the Catholic laity, and even D'Adda, an Italian prelate who was privately received as a minister of the see of Rome, would have disposed the king to more caution. But the Jesuit party was still sanguine, and their counsels accorded best with his majesty's views and temper.†

* *Parl. Hist.* iv. 1359, 1371-1387. Burnet, iii. 89-94. Reresby, 214-221. Ralph, i. 902-909. Fox's *Hist.* App. cv. cxxxiv.

† Reresby, 224-231. Burnet, iii. 92-121. Ellis's *Correspondence*, i. 23, 32, 35, 38, 42, 92. Ralph, i. 928-961. Mackintosh's *Hist.* 52—55.

James now resolved to have the opinion of the judges concerning his suspension of the Test act. It was provided, for this purpose, that one of the Catholic officers should be prosecuted in the King's Bench. But to obtain the desired verdict it was found necessary to remove six of the judges, and of the six raised to the vacant seats two were Catholics. By the bench, as thus packed, the judgment delivered was, that the laws of England are the king's laws, and to be dispensed with at any time for reasons which the king shall deem sufficient. The indignation excited by this proceeding was general. It became a new source of weakness to the government.*

James obtains an opinion from the judges on the dispensing power.

1686, June 21.

But kings are often the last to learn what their subjects say of them. Having saved the army, as he flattered himself, James now directed his artillery more formally against the church. He instituted a new court of High Commission, consisting of certain ministers, prelates, and judges, with Jeffreys as president, without whose presence no business was to be done! One of the first acts of these functionaries was to prohibit all controversial preaching, which was only another form of saying that the clergy of a Protestant church must not presume to defend their Protestantism in the pulpit. But the no-popery discourses of the preachers became more notorious than ever. Compton, as bishop of London, was called upon to suspend Sharpe, bishop of Norwich, a marked offender of this class. But his lordship replied that he could not think of punishing a man without allowing him to be heard in his defence. This was construed as an act of contumacy; and his majesty's determination now was, that Compton himself should be suspended. It was found, however, that Sunderland, and Crew, bishop of Durham, were the only commissioners prepared to vote in accordance with the wishes of the king on that ques-

New court of High Commission —its proceedings.

* Ralph, i. 918-920, 922, 923. Burnet, iii. 97-100. Reresby, 232, 233. Mackintosh's *Hist.* 56-64.

tion. Rochester, and even Jeffreys, were on the other side. But James, by persistence in his object, constrained the majority to be silent; and the act of the minority—not more than a fourth of the whole—was enforced against the obnoxious prelate. The course of archbishop Sancroft at this juncture was singularly timid and unfaithful.*

Attempts to make converts to the Catholic faith.

James persuaded himself that the army would suffice to sustain him until he should succeed in bringing persons of influence, and many of the clergy, over to his creed. Soon after obtaining the decision of the judges, his majesty raised four Catholics—the lords Powys, Arundel, Bellasis, and Dover—to seats in the Privy Council. The earl of Tyrconnel, a nobleman of the same faith, was named to become lord-lieutenant of Ireland. White, an Irish Catholic, was sent as ambassador to the Hague, under the title of marquis D'Albyville. It was determined to send a person of the same creed to represent the council of England in the consultations at Versailles. D'Adda, the secret minister of the pontiff, was authorized to assume his real character, and to open a chapel in his house. The earl of Castlemaine, who had written in defence of the Catholic faith, was sent as the ambassador of his Britannic majesty to the court of Rome, and was admitted to the privy council in that court. James boasted of the number of proselytes among the guards. But the zeal of the king and his agents to make converts in the army, in the court, and elsewhere, was not so successful as might have been expected. Many who seemed to have lost all public principle beside, were found immoveable in their attachment to the English church. Jeffreys was one remarkable instance of this sort, and the mercenary libeller Roger L'Estrange was another. James himself failed in an attempt to convert lord Dartmouth. Exposed to the

* Burnet, iii. 106-112. Ralph, i. 919, 928-932. Welwood's *Mem.* 201, 202. Mazure, iii. 133-144. Mackintosh *Hist.* 67, 70.

same influence, Colonel Kirke, said, that if he ever changed his religion he should turn Mohammedan; and lord Churchill remarked that he had not lived the life of a saint, but that in support of the church of England he thought he could die the death of a martyr. Dryden the poet was one of the very few considerable laymen who were taken in this snare. When James adopted his new creed, careful provision had been made to insure the education of his two daughters in the Protestant faith. It was felt by all Catholics that Mary was irrecoverably lost to their cause; and the hope sometimes cherished in respect to Anne was to be vain.*

Dismissal of Rochester.

All this was done, and not a single person of station was found to avow himself a convert. The queen, and her passionate advisers, became impatient. They called for more decisive measures. Rochester was the special object of their resentment. James listened to the rash counsels of this party, and is said to have resolved, towards the end of October, that the lord treasurer should accompany him to mass, or resign his office. Rochester represented that large class of politicians who would have been prepared to go nearly all lengths with James as a Tory, had they not been checked by their knowledge of his machinations as a Papist. His lordship was invited by the king to listen to a discussion on the Romish controversy. But he was not converted, and a month later was dismissed from office. By this proceeding the last link between the sovereign and any class of his Protestant subjects may be said to have been severed.†

1687.

1687. Jan. 5.

Character of the clergy who obtained favour with the king.

As might be supposed, the few men who were willing to purchase the favour of the court at the required price, were men for the most part whose character could bring little credit to the cause of their patron. Cartwright, dean of Ripon, preached a sermon in which

* Burnet, iii. 121, 122. Ralph, i. 926-938. Mackintosh, 72-85.

† Ralph, i. 933-941. Mazure, ii. 128.

he endeavoured to defend the king against the charge of violating his word, by alleging that the promises of kings should be sincere when made, but that they should always be regarded as conditional. The preacher was promoted to the see of Chester, though living under the reproach of infamous vices. Parker, a deserter from the ranks of the Nonconformists, had gained some notoriety, as the reader has seen, by the levity and bitterness with which he assailed his former friends, and by the boldness with which he pleaded in favour of the most intolerant measures of the times. This man, to whom no sober person gave credit for religion of any sort, now affected to think favourably of the new form of court piety, and obtained what he sought in being raised to the bishopric of Oxford. Edward Sclater, rector of Esher, declared himself a convert to the Catholic religion, and the king dispensed with the provisions of no less than sixteen acts of parliament in his favour.*

Resistance from the Charter House.

The first clergyman who ventured to resist the sovereign in such exercises of the dispensing power was Thomas Bennet, master of the richly-endowed hospital-school known by the name of the Charter House. James recommended a person named Andrew Popham as a pensioner on that foundation, declaring him at the same time to be exempt, as a Catholic, from all the laws of that establishment which might affect him as such. But it happened that among the governors of the Charter House there were some of the most considerable names in the kingdom. In resisting a second mandate delivered by the chancellor from the king, Bennet was supported by the subscribed concurrence of a body of governors, including the names of Ormond, Halifax, Danby, and Nottingham, along with the archbishop of Canterbury and the bishop of London. In the face of such a protest, James silently withdrew his recommendation.

* Ralph, i. 927. Reresby, 233, 324. Gutch's *Collectanea Curiosa*, i. 291.

The Charter House, while existing for a public object, was really a private foundation. But the universities were conspicuously allied with the whole ecclesiastical system of the realm. In that quarter, where the attack might be more plausible, the success, if realized, would be of the greatest importance. Two months before obtaining the opinion of the judges, James had issued dispensations in favour of Obadiah Walker, master of University College, Oxford, and two fellows of that foundation, who professed themselves Catholics. License also had been given to publish Catholic books from a printing-press in that college, and to celebrate the Catholic worship within its walls. Emboldened by his success in this instance, followed as it was by the judgment of the bench, James appointed a Catholic named Massey to the vacant deanery of Christ Church. Massey was duly installed, and nearly two years later was allowed to preside at a meeting in Oxford to elect a bishop of that diocese. An attempt was afterwards made on Exeter College, but in another form. It consisted in an endeavour to restore the right to nominate for certain fellowships to a family which had forfeited that right as being Catholics. It was found, however, that this case could not be settled without going before a court of law, and James was not disposed to hazard a decision in that quarter.*

Attack on the universities—Oxford.

1687. Jan.

Early in February in 1687, Alban Francis, a Benedictine monk, who had for some time employed himself in endeavouring to make converts among the students of Cambridge, presented a letter from the king to the authorities of that university, which required them to admit the bearer to the degree of master of arts, without taking the usual oaths. This was a demand that the Protestant character of the university should be placed in abeyance. Pechell,

Resistance in Cambridge.

* Ralph, i. 939, 940. Gutch, i. 287; ii. 294. Wood's *Athenæ Oxon.* iv. 438. Mackintosh's *Hist.* 136, 137.

the vice-chancellor, hesitated. But encouraged by the general feeling, he insisted that the oaths should be taken as the condition of obtaining the degree. He was summoned, in consequence, to appear before the ecclesiastical commissioners. The university deputed some of the most distinguished of their body to appear along with him. Among the men who stood in the presence of Jeffreys and his coadjutors on that occasion was the serene Isaac Newton, then professor of mathematics in Cambridge. The case was argued several times. Pechell was deprived of his office.*

Case of Magdalen College.

But the case of Magdalen College, Oxford, was that which produced the most general and the deepest impression. It came after the others, and was special in some of its circumstances. The college was the most richly endowed in Europe. Its president died in March 1687. Smith, one of the fellows, solicited the interest of bishop Parker with the king in favour of his election. The bishop informed him that 'the 'king expected the person recommended to be favour-'able to his religion.' Smith was not disposed to comply with such terms. On the last day of March the fellows came to a resolution that they would proceed to the election of a president on the thirteenth of April. On the fifth of April the king sent a letter, requiring them to choose a person named Anthony Farmer, a recent convert to the Catholic faith. Farmer was not a fellow of the college, and was a man addicted to a coarse indulgence in the lowest vices. The fellows addressed a petition to the king, stating that the person nominated by his majesty was legally disqualified for the appointment, and prayed that they might be left to choose their own president, or that some other person might be named to whom the same objection might not be made. On the fifteenth, the last day to which the election could be deferred, the fellows were informed that 'the king expected to be

* Mazure, ii. 230, 232. Ralph, i. 958, 959. Mackintosh, 138.

obeyed.' The reception of this mandate was followed by a spirited discussion. The younger men were especially free in their expressions. The passive-obedience doctrine, to which Oxford had been so lately and so often pledged, seemed to be wholly forgotten. In this new and better spirit they presumed to set aside his majesty's letter, and proceeded at once to the choice of Mr. Hough as president. Some six weeks afterwards, the offenders were summoned before the ecclesiastical commission court. Fairfax, one of their number, said he wished to know the authority on which the court rested its pretensions to be a judge in such cases. 'What authority have you,' exclaimed Jeffreys, 'to be so impudent in court. This man ought 'to have been kept in a dark room. Why do you 'suffer him without a guardian?' The election was made void; and the vice-president, and two of the fellows, as leaders in this contempt of his majesty's command, were suspended. By this time the proofs of gross vice brought against Farmer precluded any further mention of his claims. Parker himself was now named, but the fellows showed themselves as much opposed to his nomination as to the former. The litigation extended from June to September, when his majesty visited Oxford, where he was received with many outward expressions of loyalty. He summoned the fellows of Magdalen to his presence, and threatened them with his utmost displeasure; but nothing his majesty could say sufficed to produce obedience.

James had gone much too far in this business to think of retracing his steps. He now issued a commission to Cartwright, bishop of Chester, and two of the judges, Wright and Jenner, empowering them, in his character as supreme visitor of cathedrals and colleges, to examine all the statutes and usages of Magdalen, and to make such changes in them as should appear expedient. The commissioners made their appearance in the college on the twentieth of October. Hough acquitted himself with the firmness

BOOK XIV CHAP. 2.

and moderation which became the occasion. He denied the authority of the visitation, except so far as it could be shown to be consistent with the statutes of the college, and with the law of the land. 'There 'neither is,' he said, 'nor can be, another president, so 'long as I live, and obey the statutes.' But on the second day of their sitting, the commissioners pronounced him no longer president, and erased his name from the college book. Hough then entered the hall, and protested against all they had done in prejudice of his right as 'illegal, unjust, and null.' The courage and dignity with which these words were uttered so affected the people, and the young gownsmen who were present, that they raised a loud acclamation. The commissioners not only rebuked this unwelcome expression of feeling, but holding Hough responsible for the disorder, they bound him in the sum of 1000*l.* to appear and answer upon it in the court of King's Bench.

By such means Parker became president of Magdalen. The fellows were now required to declare in writing their sorrow for what they had done, and refusing to do so were deprived of their fellowships. The commissioners further declared them incapable of holding any benefice or preferment in the church. James carried his resentment so far, as to announce that he should regard all persons as in combination against himself who should admit the expelled fellows into their houses. But the known feeling of the king did not prevent the manifestation of strong sympathy with the sufferers. Large contributions were made for their benefit. Persons of all ranks seemed to regard these proceedings as a proclamation that private property and private right were no longer to be accounted as of any consideration, either in church or state, when it might be the pleasure of the crown to invade them. To the clergy, the consequences of these measures were of the gravest description. They needed some rough teaching to expel the servile

doctrine to which they had shown themselves to be so much disposed, and that teaching had come. Moreover, being once converted to a better creed, they were the men above all men to bring the mind of the people under its influence. James complained bitterly, now and afterwards, that the practice of a class of men on whose consistency he had placed so much reliance, should be found to accord so little with their professions. A little knowledge of human nature might have sufficed to prevent such disappointment.*

Persecution of the French Protestants.

All that his majesty could do by private conferences to make friends to his faith, or at least to his policy in its favour, continued to be done. But these 'closetings,' as they were called, were to small purpose. One event at this juncture was especially unfavourable to success in that direction. In October, 1685, Louis revoked the edict of Nantes—the great charter granted to the Protestants of France by Henry IV. The provisions of that edict had been invaded in many ways long before; but now the act itself came to an end. The industrious Protestants of France were forced by myriads into exile. Some fifty thousand of them sought refuge in this country. Their homelessness and want moved all rightly disposed persons to compassion, and filled the mind of all earnest Protestants with a new feeling of indignation against the religion the intolerance of which was proclaimed thus openly. James professed to deplore the persecution, and extended some favour to the exiles. But that was not all he did. Claude, the celebrated Huguenot minister, a man of high character and discretion, published an account of the sufferings of his brethren. The book was translated and printed in this country. But imprisonment and ruin were the penalties incurred by the translator and the printer. It was commonly said,

* Howell's *State Trials*, xii. 1-73. Ralph, i. 960-971. Mazure, ii. 234-237. Mackintosh, *Hist.* 139-145. Wilmot's *Life of Hough*.

and with abundant reason, that his majesty would never have been known as a preacher of toleration, had not the relative strength of Protestants and Catholics in England been just the reverse of that which existed in France.*

James issues his Declaration for liberty of worship.

But it was while sentiments of this nature were becoming daily more prevalent and powerful among the people, that James ventured on a new expedient, in publishing his Declaration for liberty of conscience. We have seen that his majesty on his accession had persecuted the Protestant Nonconformists in the hope of winning favour from the church. But he now spoke of the condition of that class of persons as one of great injustice and hardship. The circumstances of the sufferers were suddenly so much changed, that they found their alliance earnestly sought by the court on the one hand, and by the zealous church of England men on the other. The substance of the Declaration

March 21. was published in the 'Gazette' in the form of resolutions in council. The document in due form was issued a fortnight later. The preamble set forth the most weighty arguments in favour of religious toleration with much ability. Nothing was wanting but that the things said should have been honestly said, and have been said by parliament, and not by the crown apart from it.

New position of the Protestant-Nonconformists.

It would have been strange if the Protestant Nonconformists had hesitated to avail themselves of the liberty thus ceded to them. It was the liberty which had been solemnly promised to them before the Restoration. In the faith of that promise, the majority of them had contributed largely to bring about that event, and the minority had been willing to allow affairs to take the course then taken. But they had been defrauded of the right so promised. In place of being retained within the established church, they had been

* Reresby, 222, 238-241. Evelyn, iii. 208. Calamy's *Historical Account*, 122-125. Mackintosh, *Hist.* 85-93.

driven into homelessness—reduced to want. In place of being allowed an open worship, they had been compelled as worshippers to resort to every imaginable form of secrecy, and had been chased, imprisoned, often hunted to the death, as the penalty of presuming to meet at all for that object. Charles in 1672, had freed them from this suffering, by dispensing with the bad laws which had sanctioned it; and then the church of England men, the men who had deceived them in 1662, assured them that if they would only help them in passing the Test Act, so that the state might be effectually guarded against popery, their own modest form of freedom should be secured by an act of the legislature. Again they were credulous, and again they were deceived. And now the same party has again become a suitor to them. Side with me, said the king: is not your long-desired freedom a gift from me? Side with us, said the churchmen: help us in this exigency, and we will help you in all time to come.

Course taken by them.

The decision of the party whose alliance was thus sought, was creditable, in the main, to their good sense and patriotism. All parties were now agreed in affirming the right of freedom in worship. No party, accordingly, could censure another for the exercise of that freedom. The sole question was, in accepting this liberty from the court, did the Nonconformists intend to accept the court policy, and so to side with the court against the country? The answer given to this question by the bulk of the Dissenters, certainly by all the best men among them, was decided. They stood by the Protestantism of the English church, and by the old landmarks of the English constitution. Great effort was made to induce them to send up addresses of thanks to the throne. But after a pressure of that kind, extending over nearly twelve months, not more than between sixty and seventy addresses that can be traced to English Nonconformists were presented from the whole kingdom, and most of those consisted of

nothing beyond expressions of gratitude for toleration, and of assurances that it should not be abused. The Nonconformist ministers who applied for licenses to preach in 1672 exceeded fifteen hundred. The places licensed for worship at that time were nearly as numerous. Judged relatively to the population of that day these are large numbers.*

The means which had thus failed with the Nonconformists, failed equally, after many experiments, with the members of the house of commons. James now dissolved the parliament, which he had repeatedly prorogued, and everything seemed to foreshadow the near approach of a more open rupture. Now, too, came the grand public reception of D'Adda, the papal nuncio. The proposed ceremony would be an overt act of treason in all who should be parties to it. The duke of Somerset was selected by the king to introduce the distinguished ecclesiastic in his new capacity. But his grace begged to decline the dangerous honour. His disobedience was immediately punished by his removal from office as lord of the bedchamber, as a lord lieutenant, and as commander of a regiment of horse. The monarch next looked to his nephew, the duke of Grafton, who proved less scrupulous. The ceremony took place at Windsor, and was performed with studied pomp and publicity. The bishops of Durham and Chester were present, and it was observed that while the nuncio was introduced by a duke, the ambassadors from the other powers were introduced by earls.†

Parliaments cannot be dispensed with.

When James dismissed his first house of commons, he could not conceal from himself that the time would probably come in which it would be imperative to convene a second. Since the seizure of charters by the

* Burnet, iii. 189, 190. Mackintosh, 174, 176. The total number of addresses presented was 180. Of that number, 75 were from corporations and grand juries—the corporations being probably for the most part new charter corporations. Seven were from bishops and their clergy.

† Burnet, iii. 188, 189. Ralph, i. 957.

crown had commenced, more than two hundred new charters had been issued in place of the old. Nearly half the members of the late house of commons had been returned by corporations whom those charters had been framed to make subservient to the court. It had been provided also, by a clause for that purpose, that these new charters should be subject to modification at any time according to the pleasure of the sovereign. Certain commissioners had accordingly been appointed as regulators of corporations, and these now hastened from place to place, introducing changes at their discretion. On such authority, Jeffreys deprived nineteen hundred freemen in the metropolis of their franchise, and was still reproached by the king with not doing his work more thoroughly. Letters were addressed, without any attempt at concealment, to corporations, and to lieutenants of counties, naming more than a hundred persons as proper to be returned to the next parliament. Many lieutenants declined answering questions put to them concerning the political opinions of themselves or others. Sixteen of the most considerable noblemen of the kingdom were deprived of their trust on that account. Twelve of the vacant lieutenancies were bestowed on Catholics. One-third of the sheriffs were of that persuasion. Four governors of fortresses, two colonels of infantry, and five of cavalry, were removed in pursuance of this policy.*

Boroughs and counties must be made subservient.

But it was not easy to find candidates, possessing any reputation, prepared to pledge themselves to his majesty's satisfaction. Passive, too, as most of the boroughs might be, it was ascertained that the counties would be very unmanageable. James betrayed his sense of failure, by declaring through the 'Gazette,' his intention to review the lists of lieutenants and magistrates throughout the kingdom, so as to restrict those offices to persons who might be expected to assist him in his endeavours to base liberty of conscience upon

But his majesty's difficulties do not diminish.

* Burnet, iii. 190-194. Mackintosh, 185-190. Ralph, i. 965. Reresby, 251, 252.

the law of the land. But it was no secret that upon that question there was a majority of more than fifty in the lords who were opposed to the views of his majesty. Some of the more cautious members of the council hinted at compromise. But confidence in the king had gone from the mind of the people. In their view, negotiation would be the expedient of an adversary, whose only design would be to circumvent, disunite, and dishearten them. Nor was James disposed to act upon such advice. He declared that he would raise all Faversham's troopers to the peerage, rather than allow the opposition in that quarter to frustrate his plans. The effect of such a threat was to make the peers more than ever one with the nation.

The expected birth of an heir-apparent precipitates the crisis.

The rumour now became prevalent, that the queen, whose last childbirth had occurred five years since, was about again to become a mother. That event would give an heir-apparent to the throne, and a much longer space probably to dangers of the kind which had already become so formidable. James saw in this circumstance the evidence that his measures were approved by Providence. Catholics generally regarded it as an answer to their prayers. The king became more bold than ever in his proceedings, and more active. Father Petre, his confessor, was sworn of the privy council. Monks in their ecclesiastical habits were seen among the persons admitted to the royal presence, and made their appearance in every street of the capital. James boasted that London had resumed the appearance of a Catholic city. His correspondents were now made to understand that he aimed at something more than a repeal of the penal laws against the ancient faith. It might require time, but his 'great work' was to 're-establish the true religion.' Men who did not hear such words, could not doubt the existence of such intentions.* The two parties in the

* 'The king my master,' said Sunderland to Barillon, 'has no object so much at heart as the establishment of the Catholic religion, and there is no other so important to him on the mere principles of good sense and right

country had thus arrived at that point when compromise is at an end, and the mortification of defeat, on the one side or the other, is unavoidable. Still, deep and general as was the feeling of discontent, it did not betray itself in any tendency towards tumult. It was a feeling common to the clergy, the gentry, and the nobility, scarcely less than to the people at large; and the mass seem to have relied tacitly on their superiors, as prepared to move at the right time, and in the best manner. The common interest of parties was seen to be dependent on their common action. Hence the avowal of extreme opinions or feelings, by Tories or Whigs, by Churchmen or Dissenters, was carefully avoided. Men seemed to remember the rocks of the past, and steered their course with singular wisdom, so as not to strike upon them.

Re-issue of the Declaration of Indulgence. 1688. May 4.

Meanwhile, the language of the court betrayed the unsteadiness of its councils. At one time the king was to accomplish his purposes through the medium of a parliament, at another by a bold exercise of his prerogative. Confiding in his confessor, and in the less considerate party in the court, James republished the Declaration of Indulgence which he had issued the year before. This instrument, said his majesty, securing entire freedom of worship, and cancelling all religious tests, shall be submitted to parliament not later than November next; and every bishop was required to send copies of it to his clergy, and to enjoin the reading of it from their respective pulpits during the time of divine service.

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reason, for he must always be exposed to the popular prejudices against that religion until it be fully established.'—Mackintosh, 358. The prince of Orange remarked to D'Albyville, James's ambassador at the Hague, that the king his master did not act wisely in slighting the Church of England, which was the main body of the nation. The envoy, who had no doubt taken his impression from the Jesuits in the English court, answered, that the body called the Church of England would have no existence two years hence.—Burnet, iii. 218. There are passages in Mazure which show that the judgment of D'Albyville was in substance that of the Jesuit party abroad as well as at home, and that of Bossuet.

BOOK XIV CHAP. 2.

Resisted by the bishops.

Sixteen days only were allowed to intervene between the publication of this document, and the day on which it should be read from all the pulpits in London. After fourteen of those days had been variously occupied in consultations among the bishops and clergy in the metropolis, six prelates obtained audience of the king, and presented to him a paper headed 'The Petition of 'the archbishop of Canterbury, with divers suffragans, 'bishops of his province, in behalf of themselves and 'their absent brethren, and of the clergy of their re-'spective dioceses.' James received their lordships with much apparent cordiality. The extent of the petition, his majesty supposed, would be that he should command the chancellors and archdeacons, according to ancient practice, to send the Declaration to the clergy, and not require such a service from themselves. On opening the document, the king observed that he recognized in it the handwriting of archbishop Sancroft. In that paper the bishops stated that 'their averseness 'to read the king's Declaration, arose neither from 'want of the duty and obedience which the church of 'England had always practised, nor from want of ten-'derness to Dissenters, to whom they were willing to 'come to such a temper as might be thought fit in 'parliament and convocation, but because it is founded 'in a dispensing power, declared illegal in parliament; 'and that they could not in prudence or conscience 'make themselves so far parties to it as the publica-'tion of it in the church at the time of divine service 'must amount to in common and reasonable construc-'tion.' The petitioners accordingly concluded with 'humbly and earnestly beseeching his majesty not to 'insist on their distributing and reading the said De-'claration.' As the king read these sentences his countenance changed. Folding up the paper his majesty glanced angrily at the prelates, and said, 'This 'is a great surprise to me. These are strange words. 'I did not expect this from you. This is a standard 'of rebellion.' The bishops deprecated his majesty's

displeasure, assuring him that in all matters not affecting their conscience towards God their loyalty would be found unimpeachable. But James knew that exception to be of large import. The whole history of Protestantism and Puritanism had grown out of it. No ground could be taken more hostile to his purposes. 'If I think fit to alter my mind,' said the king, 'I will send to you. God has given me this 'dispensing power, and I will maintain it. I tell 'you there are seven thousand men, and of the church 'of England, too, who have not bowed the knee to 'Baal.'

The clergy will not read the Declaration.

The bishops had their audience with the king on the eighteenth of May, late in the evening. That night their petition was printed, and next morning it was in wide circulation. The prelates were no parties to this proceeding. Nor do we know to whom it should be attributed. But this was on the Saturday morning, and on the following day, according to the order in council, the Declaration should be read in all the London churches. Among the clergy of the capital three only are named as having been obedient. No account makes them more than seven, out of nearly a hundred. On that day Sprat chose to officiate as dean in Westminster Abbey. But when he began to read the Declaration, such was his trepidation that he could scarcely hold the document in his hands. The people rose from their seats with loud murmuring. Nothing could be heard; and the only persons remaining in the church when the reading was concluded were the Westminster scholars, the prebendaries, and some of the choristers. Over the kingdom the same spirit was evinced. Among ten thousand clergymen, not more, it appears, than two hundred obeyed the royal mandate. D'Adda accordingly declared, 'the 'whole church espouses the cause of the bishops. 'There is no reasonable expectation of a division 'among the Anglicans, and our hopes from the Non-'conformists are vanished.' Baxter applauded the

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conduct of the prelates from the pulpit, and the Nonconformists in general followed his example.*

The bishops are sent to the Tower.

Everything which followed served to confirm the report which D'Adda had given. The bishops, declining as peers of parliament to enter into any recognizance, were sent to the Tower. The great heart of London seemed to pour itself forth in sympathy with the holy men. Never, even in the most superstitious times, had the people of that city been seen to covet benediction from the hand of saint or martyr with more earnestness. Nonconformist ministers hastened, side by side with men of the highest rank, to do homage to the confessors in the cause of their common Protestantism. Even the guards of the Tower drank the health of the bishops, would drink it, and would drink no other.

The trial.

The charge against the prelates on their trial was, that in presenting their petition to the king they had given publicity to a seditious libel. 'No man,' said the attorney-general Powys, 'may say of the great 'men of the nation, much less of the chief officers of 'the kingdom, that they act unreasonably or unjustly; 'least of all may any man say such a thing of the 'king.' The counsel for the defendants endeavoured to obtain a verdict of acquittal on technical grounds, and had nearly succeeded, when a new turn in the course of the evidence led them to direct their assault against the dispensing power. Mr. Somers, then a young man, is said to have supplied most of the authorities on which his seniors based their reasoning; and his own speech, which concluded the defence, was in every respect admirable. There was room, he admitted, for dispute concerning the extent to which the sovereign might dispense with the penalties of a particular law, in favour of a particular person; but all were agreed that to dispense with the law itself was

* Burnet, iii. 223-229. Kennet, iii. 511. Ralph, i. 583-586. Mackintosh, 247-253. Phillip's *State Trials*, ii. 263-265.

no prerogative of the crown; while the right to petition the sovereign against unreasonable commands proceeding from that source, was, he maintained, so much the law of nations, that provision was made for it by edict even under the despotic sway of the Roman emperors. 'This,' he added, 'is all that was done here, and that 'in the most humble manner that could be thought 'of. There could be no design to diminish the pre-'rogative, for the king had no such prerogative. Sedi-'tion it could not be; nor could it possibly stir up 'sedition in the minds of the people, because it was 'presented to the king in private and alone; false it 'could not be, for the matter of it was true; there 'could be nothing of malice, for the occasion was not 'sought, but the thing was pressed upon them; and a 'libel it could not be, because the intent was innocent; 'and they kept within the bounds set up by the law, 'which gives the subject leave to apply to his prince 'by petition when he is aggrieved.'

The trial commenced at nine o'clock in the morning, and lasted until seven in the evening. The crowd in the court listened through all those hours with intense interest, and could not be prevented giving loud expression to their feelings at the different stages of the struggle. The jury retired at seven. Some hours passed and they did not return. At midnight, and at three o'clock in the morning, they were heard in loud debate by many who stood in anxious suspense near the retiring-room. The delay had been occasioned by a man named Arnold, brewer to the king's household.

Acquittal of the bishops —Joy of the people.

But at six o'clock in the morning the judges were apprized that the jury were agreed. At nine o'clock the court assembled. The benches were covered with nobility and gentry. The people crowded every avenue, filling in immense concourse the great hall adjoining, and pressed in multitudes towards its entrance from the public streets. The foreman of the jury, Sir Robert Langley, rose; and on the question being put whether the accused were guilty or not

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guilty, pronounced the verdict—Not Guilty. These words were no sooner uttered than the breathless silence of the court was followed by a loud shout of triumph, in which persons of every rank seemed to join to the utmost. The verdict was echoed from the court within to the hall without, and fled with rapidity from man to man through the streets beyond. The acclamation was described as 'a very rebellion in noise,' and was compared to a fall of the vast and weighty roof of the structure from which it proceeded. We have all been present on Hounslow Heath on that memorable morning, have heard the cheer of the populace taken up by the military encamped there, and seen the change in the countenance of the king when told that the unexpected sound came from the soldiers who were thus greeting the news that the bishops were acquitted. In the city all business was suspended. Men seemed to exist but to congratulate each other on what had happened. The bells were rung in the evening and bonfires kindled in all parts of the metropolis. The pope was burnt in effigy before the windows of the royal palace, and the toast everywhere went round—Health to the bishops and the jury, and confusion to the Papists. The principal towns through the kingdom vied with the capital in these expressions of feeling. The most haughty churchmen and the humblest class of separatists seemed to share in a common joy. The parties who had done most in urging the king to prosecute his obnoxious measures began to despair of ever seeing a people brought back to the church whose heresy partook of so much 'rancour and malignity.'*

Gloom over his majesty's affairs.

Even now, James could not curb his resentment. Among the crown lawyers Williams had shown so much servility as to have called forth a general hissing from the crowd in the court. The king raised the

* Howell's *State Trials*, xii. 277 et seq. Phillip's *State Trials*, ii. 294 et seq. Kennet, iii. 513-515. Ralph, i. 991-994. Reresby, 263, 264. Ellis's *Correspondence*, i. 354, 360, 365, 389; ii. 2-11. Mackintosh, 266-278.

offender to the rank of a baronet. Powell, who would have acquitted the prelates, and Holloway, who ventured to avow himself considerably in their favour, were both removed from the bench. But it was observed that the manner of the king was much changed. He had become thoughtful, abstracted, and spoke little on public affairs. Even the birth of a prince of Wales, which had taken place only a few days before, and Sunderland's avowal of his conversion to Romanism, which, strange to say, took place at this juncture, did not suffice to disperse the gloom which hung over his majesty's affairs. Sunderland's recent course had severed him from all his old friends. In professing himself a Catholic he had played his last card, and had done his last possible service to his master. Few men gave him credit for sincerity; and fewer still had any faith in the alleged birth of a prince. It was commonly asserted, and as commonly believed, that the Jesuits were capable of frauds of all kinds, and that this was one of their devising. James made one more effort to win over the Nonconformists. But he found them much more disposed to listen to the archbishop of Canterbury and the leading churchmen, who assured them that there should be no recurrence of the harshness of past times; that the door of admission into the Established Church should be widened; and that to those who could not be included within its pale there should be a free and legal toleration.*

His majesty's last stay fails him.

His majesty's only dependence now was upon the army. Happily, the English navy, potent as it may be to an enemy from abroad, can rarely be brought into much action by the struggles of party at home. James, indeed, had introduced several monks and priests into the fleet at the Nore. But no persuasion from the king could induce the seamen to submit to their presence. To the army the monarch looked

* Ellis's *Correspondence*, ii. 63. D'Oyley's *Life of Sancroft*, i. 324. Sayer's *News Letter*, 7th, 21st July. *London Gazette*, 6th July.

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with more confidence. He had spared no pains to mould it to his purpose. He had been severe, or studiously condescending, by turns, in that connexion; and often boasted of the number of Catholics, both among officers and men, as a formidable body. At length, to place the fidelity of this great stay of his power beyond doubt, James ventured to issue a test designed to pledge the several regiments to assist him in his attempt to repeal the penal laws against Catholics. This ill-advised experiment was first tried on the regiment under the command of lord Lichfield, which was regarded as the most likely to set the desired example. Those who were not prepared to take the test were called upon to lay down their arms. The whole regiment, with the exception of two captains, and a few Catholic soldiers, placed their arms on the ground! The disclosure of this dreadful secret filled the unhappy monarch with astonishment and dismay. He looked for a moment in silence and ill-concealed anguish on the scene before him. He then commanded the disobedient to take up their weapons, adding, that he should not again do them the honour to consult them on such matters.*

Retrospect on the causes of the coming change.

Such was the state of weakness and desertion to which James had reduced himself within three short years. The parliament assembled on his accession was more disposed to submit to royal authority than any parliament known in our history since the days of Henry VIII. Great as the misgiving had been in prospect of 'a popish successor,' the majority in all ranks, and the whole body of the clergy, were evidently prepared to give their new sovereign a fair trial. But James would not be content to be a Catholic. Nor could he be content to be a king of England. He must aim to become a Catholic king over a Catholic people. He must be a king, not subject to law, according to the English constitution, but above

* Reresby, 270, 272. Kennet, iii. 516.

the law, after the manner of his most Christian majesty of France, or of his most Catholic majesty of Spain. The old Stuart feeling in this respect had lost nothing by transmission. It had become more deeply seated. The dignity of kingship is still measured by the absence of restraint from subjects, and a treacherous subjection—even a pensioned vassalage, to a foreign crown, is felt as no degradation compared with being obliged to conform to the decisions of an English parliament. This habit of feeling, in this ill-guided family, had become, like all habits, only the more inveterate from indulgence. All that the Whigs had predicted as likely to follow, should James be allowed to ascend the throne, had been fulfilled to the letter. So the feeling of that powerful party, in place of being won back, was more than ever lost; and the reputation for political sagacity which thus accrued to them restored them to much of their old power. The Tories had been prepared to submit to a large exercise of the prerogative. But the king resolved to suspend the Test laws by his dispensing power; to invade the immunities of the established church and of the universities by his own authority; and showed himself bent on prosecuting such schemes by means of a standing army, made as strong as possible, and brought under as much Catholic influence as possible, to that end. In the face of such proceedings, even Tory loyalty broke down, and that party also was lost. Concerning the Nonconformists, their thorough Protestantism, and their hereditary attachment to constitutional liberty, were sure to save them from becoming the tool of a court so governed. Had the course taken by the king been pursued with more than ordinary sagacity and caution, the result must have been an alienation of all these parties from the crown. But the fanatical narrowness, blindness, obstinacy, and cruelty with which James had endeavoured to realize his insane projects, seemed like a spell cast over his spirit by Providence, as if to make

the deliverance about to come an inevitable consequence.

In these difficulties, James could not look with hope to Ireland or Scotland. To seek assistance from Ireland would be to raise all England against him. To seek it from Scotland, would be to marshal the parties in that country who retained so bitter a remembrance of his oppressions and cruelties, against the factions who might be disposed to act in his favour. Louis and his ambassadors spoke of sending military aid from France; but the landing of French troops under the generals of Louis XIV. would have been met instantly by the landing of Dutch troops under the command of the prince of Orange.

Prince of Orange—his connexion with English affairs.

The position of the United Provinces in regard both to France and England, made it imperative on the statesmen of that republic to be observers of affairs, and studious to defeat political intrigue, both in St. James's and Versailles. In the case of the prince of Orange, many circumstances contributed to render this policy as necessary to his self-preservation, as to the attainment of those higher objects on which his ambition had been honourably fixed. In 1672, when in the twenty-second year of his age, a popular revolution had raised him to the possession of the supreme authority in the provinces of Holland under the title of the Stadtholder. The courage, and the transcendent skill and perseverance, with which he had resisted the concentrated power of France, had given one of its most brilliant chapters to modern history. When the prince who had thus kept the great dictator of Europe at bay became the husband of the princess Mary, his interest in English affairs was of course greatly augmented. Until the recent birth of the prince of Wales, the only life between the princess Mary and the throne was that of her father. It was only a little before the birth of the prince that the extreme Catholic party in the English court became very busy with the scheme designed to exclude the princess

Mary in favour of her younger sister, the princess Anne. It would have been strange if William had seemed to be indifferent to such proceedings.

James was so far satisfied that the prince had nothing to do with the adventures of Argyle and Monmouth, that on the suppression of those insurrections, he renewed the defensive alliance between England and Holland. Louis complained of this proceeding; and James and his ministers laboured to explain it so as still to urge their suit for more money. It was in the train of these circumstances that Sunderland obtained an annual pension of 25,000 crowns from Louis, on the condition of undertaking that the king his master should not contract any engagement opposed to the interests of France. James was of course much more disposed to ally himself with the Catholic monarchy of France, than with the republican Presbyterians of Holland; and this sordid intrigue on the part of Sunderland prompted him to do what he could towards strengthening that tendency. Coldness and suspicion, in consequence, began to mark the policy of the English cabinet towards the prince, and taught him to prosecute with new earnestness, those private negotiations, which, in the summer of 1687, ended in the formation of the League of Augsburg. One effect of that formidable confederation was, to oblige Louis to be inactive at a time when that inaction was highly favourable to the subsequent measures of the prince.

When the prince of Orange began to entertain the idea of interposing by force in the affairs of England, is a point on which there has been much controversy. Burnet has given us the substance of a conversation which took place between himself and the prince and princess in 1686, from which it has been concluded that William must have cherished such thoughts even at that time. But the language which is said to have fallen from the prince on that occasion, if viewed without prejudice, will not be found to warrant any such inference.

Mission of Dykvelt.

Subsequently came the mission of Dykvelt, an ambassador from the States to the court of London, whose instructions were, to expostulate with the king, respectfully but firmly, on the measures he was pursuing both at home and abroad. The envoy was also commissioned to assure the clergy of the church of England that they might confide in his master's fidelity to their cause. It had been urged on the prince by correspondents from among the English clergy, particularly by Compton, the suspended bishop of London, that he should use his influence to secure the adherence of the English Nonconformists to the side of the Established Church—an object which Dykvelt kept steadily in view, and which William endeavoured to accomplish by sending over a number of Nonconformist ministers from Holland. The great question between James and William at this time was the repeal of the Test laws. William declared himself willing to tolerate the Catholic worship; but as immovably opposed to the admission of Catholics into parliament, or into places of trust. Whatever might have been his private feeling, he knew that Tories and Whigs, Churchmen and Dissenters, were agreed on the latter point. The springs of the Augsburg league were all in his hand, and he brought the courts of Vienna, of Madrid, and even the court of Rome, to express themselves satisfied with his policy.

Invitation to the prince.

Dykvelt returned to the Hague at the end of May, in 1688, bearing letters to the prince of Orange from many persons of consideration in England which justified him in regarding the writers as ready to assist in placing the affairs of their country in his hands whenever the fitting occasion should arrive. The most considerable of these correspondents were the marquis of Halifax, the earls of Shrewsbury, Devonshire, Nottingham, and Danby, the lords Mordaunt and Lumley, the admirals Herbert and Russell, and the bishop of London. These persons held frequent conferences at the house of the earl of Shrewsbury;

and the prince, though his confidence in some of them was very limited, was regulated in his movements, for the most part, by the information conveyed to him from this quarter. Russell had a sister settled in Holland; and in connexion with a visit to her, the admiral waited on the prince to urge, 'in the name of many of great power and interest in England,' that he would at once decide to deliver their country from the evils which had come upon it, and the still greater evils with which it was threatened. William replied that he should not be unwilling to embark in such an enterprise if invited to it by names of sufficient weight, and that he thought he might be prepared to do so by the end of September. On the return of Russell, the question of an invitation to the prince with signatures was mooted. Sidney, brother to the late Algernon Sidney, a person much in the confidence of the prince, touched on that point in a conversation with Halifax, but found him too timid to be trusted. Nottingham felt, or affected to feel, the passive-obedience scruples prevalent with the party to which he had always been attached. The secret was disclosed with more success to the earl of Danby, who concurred in it heartily, and prevailed on the bishop of London to follow his example. The earl of Devonshire was next spoken to, and went into it with great resolution. It was afterwards mentioned to three of the chief officers of the army — Trelawny, Kirke, and Churchill afterwards duke of Marlborough. Trelawny induced his brother, the bishop of Bristol, to be of the party. Churchill engaged that the princess Anne, and her husband prince George, should go over to the prince of Orange on his landing, and promised to take with him such officers of the army as he could trust. Early in September, the earl of Shrewsbury and admiral Russell went as a deputation to Holland.

According to Burnet, the secret soon became known to many thousands in England. But so general was the disaffection, and so cordial was the approval of the

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prince's intended Declaration, that no man betrayed the confidence reposed in him. In the meanwhile, it had not been possible that the warlike preparations in Holland should be conducted so secretly as wholly to elude suspicion. Louis admonished James of his danger. But the French ambassador, Barillon, who was much better acquainted with the English court than with the English nation, persuaded himself that if the sword should be unsheathed, it would be in the power of the king to divide the country in his favour, much as his father had done in the early days of the Long Parliament. Louis, accordingly, was encouraged to prosecute his intended winter campaign against the emperor, and to defer all thought of military interference with affairs in England until the next year. In fact, there was a singularly unexpected concurrence of circumstances at this moment which favoured the designs of the prince of Orange with regard to England.

James would retrace his steps.

But more than a month elapsed between the completion of the Dutch armament, and the landing of its 11,000 infantry, and its 4,500 cavalry at Torbay. This long obstruction from the winds and waves was interpreted with much dismay by the adherents to the prince; and ministered a degree of false hope to James, and to such as were still faithful to him. The king employed the interval in endeavouring to free the birth of the prince of Wales from the suspicion that had been cast upon it; and in attempts to conciliate the bishops, and to abate the disaffection of his subjects. Hough, and the expelled fellows, were reinstated in Magdalen College. The court of High Commission was abolished. The old charters of London and of other boroughs were restored. A free parliament, elected on the old franchise, was promised. But these concessions came too late. Opposed to them was the Declaration issued by the prince.

William's Declaration.

The Declaration consisted of sixteen articles. It enumerated those proceedings of the government which were regarded as especially opposed to the liberty of

the subject, and to the safety of the Protestant religion. The conduct of the king in the matter of the dispensing power, in setting up the court of Ecclesiastical Commission, in suspending the Test laws, in prosecuting the bishops, in controlling the judges, in suppressing the rights of corporations, in putting an end to free parliaments—all these things, and more, were attributed in that document to the influence of evil counsellors, from whose pernicious ascendancy it became all men concerned for the welfare of their country to save the misguided king. The object of the enterprise to which the prince had committed himself was simply to provide a remedy against these and similar evils. In taking this service upon him, moreover, he had only complied with the earnest solicitations of many lords, both spiritual and temporal, of numbers among the gentry, and among all ranks of people. His aim would be to promote measures which should readmit a large portion of the Nonconformists to the Established Church; and to see that a toleration, extending even to the Catholic worship, should be guaranteed by law. Addresses were also published inviting the army and navy to co-operation for these ends.*

Progress of feeling in his favour. Nov. 8.

The immediate effect of this appeal did not correspond with the expectation of William and his followers. The people of Exeter received the prince with quiet submission. The memory of Monmouth's expedition was still vivid and terrible through the west. Four days later, lord Cornbury, son of the earl of Clarendon, went over, with some officers, and about a hundred of his regiment, to the prince. Most of the officers, with a large body of privates, belonging to the regiment commanded by the duke of St. Albans, followed their example. Every day now brought new accessions, and tidings of movements in different parts of the kingdom in support of the prince. James, on

* Kennet, iii. 523-525.

the contrary, was as constantly reminded, by one desertion after another, that he lived in an atmosphere of treachery, with scarcely a man or woman about him to be trusted. The defection of the lords Churchill and Drumlanrig, and of the dukes of Grafton and Ormond, was followed by that of prince George and the princess Anne. Prince George joined the invader at Sherborne. The princess Anne made her escape from Whitehall at night, under the guardianship of the bishop of London, and found an asylum among the friends of the prince who were in arms in Northamptonshire. By this time, Bristol, Plymouth, Hull, York, and Newcastle, were among the places of strength which had been seized by the party in arms against the government. Through Derbyshire, Nottinghamshire, Yorkshire, and Cheshire, the same standard was unfurled with success. In some of these places resolutions were adopted and published, which declared that to unsheath the sword against a king who governed according to law would be rebellion, but that to resist a monarch who had set law at defiance was simply an act of self-defence. Even in Oxford, several of the heads of colleges sent the warden of All Souls to invite the prince from Dorsetshire to their city, assuring him of their readiness to melt down their plate in his service if it should be needful.

Flight of the queen and of the king.

James deputed Halifax, Nottingham, and Godolphin to attempt negotiation with the prince. But in the meantime, a forged proclamation in the name of the latter was made public in London, denouncing the Catholics of the metropolis as plotting the destruction of life and property on the largest scale possible. It called on the magistrates to disarm all such persons, and to hold themselves prepared to answer for any negligence in the discharge of this duty on a future day. No one doubted the authenticity of this document. The ferment and disorder which it spread through the city filled the king with the greatest apprehension for the safety of himself and family. The

queen was hurried on board a yacht at Gravesend, and commenced a safe voyage to Calais. James pledged himself to follow within twenty-four hours. Before those hours had passed the royal commissioners sent a report of their proceedings to Whitehall. The demands of the prince were, that a parliament should be assembled; that all persons holding public trusts in violation of the Test laws should relinquish them; that the city should have command of the Tower; that the fleet, and the places of strength throughout the kingdom, should be placed in the hands of Protestants; that part of the expense of the Dutch armament should be defrayed from the English treasury; and that the king and the prince should remain at an equal distance from London, with their respective forces, during the sitting of the proposed parliament. James read these articles with some surprise. They were much more moderate than he had expected. But his pledge had been given to the queen. The city was still in great agitation. Private letters assured him that his person was not beyond the reach of danger, and that his interests might be better secured by his absence than by his presence. Hence his purpose to leave the kingdom remained unaltered. At three o'clock on the following morning his majesty left Whitehall with Sir Edward Hales, disguised as an attendant. He descended the river in a miserable fishing-boat provided to convey him to France.

Dec. 9.

James is detained at Faversham —returns to London.

But as the light of that winter morning dawned, and the boat came near to Faversham, some fishermen looked curiously at the two fugitives, and suspecting them to be Catholics, probably priests in disguise, took them from the vessel, and lodged them in the principal inn in the town. The people of the town crowded into the street, and James deemed it necessary to make himself known. From the street many forced their way into the apartment, some to behave themselves rudely, others to be moved to pity by the spectacle of fallen greatness. Had the monarch suc-

ceeded in making his escape to France, the powerful Jacobite party would not perhaps have been known to our history. By his flight, James might be said to have left the throne vacant, and the most scrupulous might have felt that it became the parliament to fill it with the most eligible successor from the royal family. But now the monarch was reconducted to London by order of the privy council. Many of the people began to show signs of sympathy with him; and the difficult question arose as to what was to be done with his person. The king and the prince, each with his armed followers, could not be in London together without danger. After some consultation, James was informed that the public interest required his immediate withdrawment to some distance from the capital. Hampton Court was mentioned. His majesty preferred Rochester, and his wishes in that respect were complied with. The day on which the king withdrew to Rochester, William took up his residence in St. James's.

The king withdraws to Rochester —escapes to France.

James chose his retreat, deeming it probable that it might be expedient for him to make a second effort to reach the continent. The queen wrote to him, entreating, almost commanding his fulfilment of the pledge without which she had never consented to leave him. Some of his friends urged his remaining. But others offered different counsel. His guards left him so much at liberty that no impediment to his departure was likely to arise. On the last day of this memorable year, and a week only after his removal from Whitehall, James embarked secretly at Rochester, and with a favourable breeze reached the coast of France.

The second Convention Parliament —State of parties.

The Convention Parliament which had restored the house of Stuart, was now followed by another which was to declare the last sovereign of that house no longer king. But even now, this cycle of revolution was not accomplished without some difficulty. The high church party urged that James should be re-

stored, but with such restrictions as might insure a wiser government. A second party, while they could not place so much confidence in the exiled king, were opposed to any formal act that should disinherit him, and would have placed the supreme power in the hands of the prince under the title of regent. By a third party it was maintained, that the duties of sovereigns and of subjects are reciprocal, and the result of a virtual, if not of a formal, contract between them; that James had so far violated the constitution he had sworn to protect, and by his flight had so far abdicated the government, as to have left his vacant throne to be filled by the choice of the nation.*

William declares his feeling concerning the succession.

Three weeks were occupied in debates on these questions. William, who had carefully abstained from everything that might have borne even the appearance of effort to influence the elections, had observed the same silent and cautious neutrality in regard to the deliberations of the two houses when assembled. But when the points above mentioned had been debated once and again, and with considerable warmth, and with little prospect of any desirable issue, the prince sent for Halifax, Shrewsbury, and Nottingham, and told them, that he had wished to avoid making any disclosure of his sentiments in relation to the matters which were now occupying so much public attention, but that he thought it might expedite affairs, and prevent mischiefs, to inform them, that he could not accept the office of regent, nor take any share in the English government merely by courtesy, as the husband of the princess; that if he stood in any relation to the English throne it must be as being king; that should it be the pleasure of the parliament to come to some other settlement, he should not oppose its proceedings, but willingly return to Holland, and meddle no more with English affairs; that whatever others might think of a crown, it was no such thing

* *Parl. Hist.* v. 26 et seq. Burnet, iii. 373-394.

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in his eyes, but that he could be well content without it.*

Its effect.

This manly avowal, the only one that became him in such circumstances, was made with the intention of its being generally known. It conduced to the settlement which followed. In the lords, a motion to support a regent had been lost by a minority of forty-nine against fifty. The proposition that there is an original contract between king and people was carried by a majority of fifty-three against forty-six. But, on the maxim that the king never dies, the resolution of the commons, which declared the throne to have become 'vacant' through the flight of James, was rejected by a majority of eleven. The word 'abdicated,' as applied by the lower house to the withdrawment of the king from the government, was substituted in the lords by the word 'deserted.' These disputes about words led to learned conferences between the two houses, in which the commons prevailed, and in the end the throne was declared 'vacant.' The way was thus prepared for the proclamation of William and Mary as conjoint sovereigns, the administration, to prevent distractions, being placed singly in the prince.†

Retrospect.

The reader will have seen that the discussions which the Exclusion Bill had made to be so familiar to parliament and people had now been in effect resumed, and with a more general interest. The same choice between exclusion and compromise had recurred. While the falling monarch made concessions as large as the most earnest advocates of popular rights could have demanded, expedients to secure him in possession of the throne would be sure to find men prepared more or less to support them. But the character of the king made schemes of that nature valueless. Among wise men, justice to the nation precluded all thought of compliance with proposals from that

* Burnet, iii. 394-396. † Ibid. *Parl. Hist.* v. 61 et seq.

quarter. On the one side were the strict adherents to hereditary claims, who, under the pressure of circumstances, would have subjected the king to restraints offensive to his prepossessions, and degrading to the monarchy. On the other, were the men who asserted that the law of succession, in common with every principle of society, should be subservient to the general welfare, and who in consequence urged a transfer of the crown to the next in descent who might be expected to wear it in obedience to that end. Nor was the right of parliament to alter the succession the only, or the most important doctrine involved in the revolution thus accomplished, inasmuch as that right had been often asserted, and sometimes exercised in our history. The act which raised William and Mary to the throne took with it, as its grand consequence, the practical subjection of the king to the law, in place of leaving the law to be wholly, or even in part, subject to the king. It at once annihilated the doctrine of divine right and non-resistance; 'and brought into 'easy and undisturbed practice those ancient rights 'and liberties, which the Plantagenets had attempted 'in vain to subvert, which the Tudors had often been 'allowed to trample upon, and which the Stuarts 'sacrificed their throne to destroy.'*

Writers who insist that William should have been content to see some wholesome restraints laid on the authority of the crown by parliament, seem to be forgetful of three great facts—first, that James was not a man to submit to such restraints without intending to break through them on the first available occasion; second, that to reason thus is to say that it became the prince of Orange to incur all the risk and responsibility of our deliverance, leaving to us all the benefit; and thirdly, that as the great object of life with the prince had been to protect the Protestant religion and European liberty against the menacing

* *Life of Lord William Russell*, i. 164.

power of France, it became him, for the sake of that object, to rescue England from being made, as it had too long been, the secret ally of France, if that end might be accomplished by any honourable means. That this policy favoured the personal aggrandisement of William did not of necessity detract from its magnanimity. The nation was shut up to its choice, either to retain a king shorn of all the most favoured attributes of sovereignty, and loathing his denuded state; or to give existence to a king who should be called to the exercise of his high function on the ground of a visible and solemn compact emanating from the public will, and designed for the public interest. As the crisis approached, the better choice was made—made, it is admitted, in some instances, by men of very moderate pretensions to public virtue, but men who were moved in their course by others who were under the influence of that better intelligence and feeling which had descended to them as a rich inheritance from the contests of other days. It is quite true, the leaders in the Revolution of 1688 were of the aristocratic class. But it is not true that the change came wholly from them or was wholly in their interest. The will of that class proved strong because it was the will of the community; and as at Runnymede, the cause of the people triumphed because it was in the hands of their natural chiefs and defenders. The social influences which restrained this great settlement within moderate limits, and made it permanent, were hereditary rank and religious conviction. In English history, these acting together have been the great source of progress—of the slow and unequal progress there realized. As we look up the track of the past, we see in the battle-fields, the dungeons, and the scaffolds, which there rise to the imagination, the price which was to be paid that our acquisitions as freemen might become ours. Growth is slow everywhere; and all history shows that the growth of nations is very slow.

BOOK XV.

NATIONAL PROGRESS SINCE 1688.

CHAPTER I.

THE CONSTITUTION.

'THE highest eulogy,' it is said, 'which can be pronounced on the Revolution of 1688 is this, that it was our last revolution.'* In what follows, down to our own time, we find development and progress—extraordinary development and extraordinary progress—but no revolution in the ordinary meaning of that term.

The Revolution of 1688 our last.

The position of the Whigs after the Revolution resembled that of the cavaliers after the Restoration. Both parties expected to be the exclusive objects of the royal favour, and both were to be disappointed. The cavaliers were to see many of their former antagonists in office, and near the person of the sovereign; and the same experience awaited the Whigs. But the discontent of the cavaliers, to their honour, never led them to conspire with their old enemies against the new power. It was left to a few Tories, so far to return to their principles, and to some degenerate Whigs, so far to desert their principles, as to take that course after 1688. The royalists of 1660 would be royalists, even under what they deemed bad treatment. But there were Whigs who were found wanting in that chivalrous consistency in the day of trial.

Disappointments at the Restoration and at the Revolution.

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* Macaulay's *Hist.* ii. 662.

BOOK XV. CHAP. I.

Whigs and Tories under William and Anne.

It became William to make it felt that he had come among us to be king of England, and not to be the mere leader of a party. When the Whigs showed signs of rebellion against this policy, the king availed himself of Tory counsels for a season, even more than before. But that was not a natural coalition. His majesty was soon made sensible that his old friends were his best friends; and his rule in the main was by means of the party whose principles were in nearest affinity with his own. Anne was a Tory, and would have governed by Tories. But Marlborough was bent on prosecuting the war with France: the Tories were not hearty in that object; and the great influence of the duke and duchess with the queen sufficed to give a growing power to the Whigs, until the Sacheverel excitement prostrated that party, and placed the government in the hands of their opponents during the last four years of that reign. But through all this interval the balance of talent and statesmanship continued with the Whigs, and they ceased not to make proselytes from among the more intelligent and the younger men. During a quarter of a century from the Revolution they reiterated their principles; and even Tories, when forced into opposition, often vied with them in uttering the language of patriotism. With the Tories it was a pleasant thing to limit the function of government, when the exercise of that power had passed into the hands of the enemy. But in either case, free principles were avowed, and both parties became more or less committed to them.

The Declaration of Rights.

The Declaration of Rights presented by the Convention Parliament to the prince, set forth the long series of illegal proceedings which had characterized the government of the late king; and made it clear that measures were expected to be taken which should suffice to prevent the recurrence of such disorders in the time to come.*

* *Parl. Hist.* v. 8-11.

The Bill of Rights, passed some months later, reiterated those censures on the past, and defined the course to be taken on such questions in the future. By this instrument it was declared that no Papist, nor any person marrying a Papist, should be deemed capable of inheriting the English crown. So the exclusion doctrine, which had proved so costly to Russell and Sidney, was to become a principle of the constitution. With the exception of this article, the Bill of Rights, like the Petition of Right, was not regarded as giving any new immunity, but simply as asserting that to be right which the law had made to be such.*

The Bill of Rights.

By this time politicians had seen enough of long parliaments. The Long Parliament before the Restoration was in small favour with the Tories: and the long parliament after that event was in as little favour with the Whigs. The Triennial Bill, introduced towards the close of 1689, was not submitted to the king before 1693; and did not obtain the royal assent until the following year. There was a reason for this delay. It was thought by William, and by many besides, that some middle course should have been chosen between leaving the dissolution of parliament open indefinitely, and making it imperative after so short an interval as three years.†

The Triennial Bill.

In 1691 an attempt was made to render our law of treason more definite, just, and humane. But it was not until 1695 that the law on this point, assented to by William III., obtained its place in our statute book. To us, the government of William may seem strong. But during some years the most intelligent men about him were far from regarding the new order of things as perfectly secure. The Jacobites were restless, noisy, and insolent; and besides men of that description, whose imbecile fanaticism and malignant

The law of treason.

* Lords' *Journals*, Feb. 11, 12; Nov. 22, 1689. *Parl. Hist.* v. 249-253, 483.

† Stat. 6 William and Mary, c. 2. *Parl. Hist.* v. 754-770.

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treason were belched forth everywhere, the fact that a busy intercourse was going on between the court of James at St. Germains and his friends in this country, was not wholly unknown to the statesmen of either party. To make the law of treason greatly more favourable to culprits in such circumstances, demanded some wisdom and courage. But after considerable deliberation the thing was done. The new law provided that the accused should have a copy of the indictment five days before trial; that the names of the jurors should be given to him two days before; that he should be allowed the benefit of counsel; that the witnesses in his favour might be examined upon oath, and be compelled to make their appearance; and that overt acts of treason must be proved by two witnesses, deposing to the same act, or to some act of the same significance relating to the same treason. It was provided also, that judgment on a peer should be pronounced by the whole peerage, and not by any selection from that body made by the government. In this enactment we see a near approximation to the law as it now stands. But even under William, the manner of conducting such trials was not wholly free from irregularity and harshness. In the next reign the law became still more liberal. But the safety of state offenders in our history has generally resulted from the force of enlightened public opinion, more than from the letter of our law.*

The Act of Settlement.

In the train of these salutary changes came the great Act of Settlement. By that instrument the crown was made to descend to the issue of William, or to the princess Anne and her issue. In default of any such claimant, the next in succession—passing by many nearer descendants in the Stuart line, whether Protestants or not—was declared to be the princess Sophia, wife to the elector of Hanover. Such was the title, partly hereditary, but much more parliamentary,

* Stat. 7 William III. c. 3, c. 1. *Parl. Hist.* v. 675, 684, 712, 737, 765.

on which the house of Brunswick came to the throne of these nations. It may be true that the blood of Cerdic and of the Conqueror are in the veins of queen Victoria; but it must also be said that there was more of that blood elsewhere than in the princess Sophia when George I. was declared king of England. No prince of the house of Brunswick, accordingly, and no professed friend to that house, can affect to repudiate this high form of parliamentary authority, without falling into a pitiable inconsistency.

But the Act of Settlement did more than determine the law of succession. It declared the judges independent, and irremovable except by consent of the two houses. It precluded the subordinate officials of the government from a place in parliament, and provided by that means that the routine business of the state should remain in the same hands even under a change of ministers. It recognized the distinction which had been growing up during the last half century between the privy council and the more select body known as the cabinet. It further enacted that no order under the great seal should be pleaded in bar of an impeachment; and that no man not born a British subject should be eligible in any department of the public service in this country.*

The Toleration Act.

The scheme of liberty introduced by William and Mary would have been fatally defective if it had not included the Toleration act. Even this act did not guarantee freedom of worship to the Romanist or to the Unitarian. But it secured that liberty to all besides. It required that places used for religious worship should be registered as such; and that all ministers availing themselves of the provisions of this enactment should take the oath of allegiance, and should subscribe to thirty-five of the thirty-nine articles, and to part of another. It was well known that to these conditions the Protestant dissenters

* *Parl. Hist.* v. 1236.

generally would readily conform themselves. So a wide sea of suffering, which had descended in our history from the early days of the Reformation, came to an end. The jails of the kingdom are to be no more crowded with sufferers for conscience' sake. The pillory and the gallows have had their last victims of that order. The grieved and broken hearts from this cause in the past, are to be of the past. We have seen that the idea of toleration did not come into existence among us with the accession of William and Mary. But not until then did it make its way so far upwards as to secure for the principles on which it rests a recognized place in our statute book.

Measures concerning the revenue.

William found his first house of commons disposed to revise the measures of its predecessors concerning the revenue. The 1,200,000*l.* settled as the income of the crown at the Restoration, had grown to be nearly 2,000,000*l.* before the Revolution. But as the Bill of Rights had declared the existence of a standing army without consent of parliament to be illegal, it was urged that so large a sum could not be reasonably placed at the disposal of the sovereign. The limited force kept up under the name of guards demanded no such expenditure. Since the civil war, the great dread of our country gentlemen had been the dread of a standing army. The great maxim of the Tories in the time of William was—make yourselves strong on the sea, and the militia will be your sufficient defence on the land; and many who were not Tories inclined to that opinion. Indeed, the safety of English liberty was very generally supposed to be dependent on an adherence to this policy. It was decided, accordingly, that the current revenue should still be as in 1660—1,200,000*l.*—all special grants in time of war being made specially, and assigned to their special objects by the commons.

Effect of the settlement on that point.

The consequence of this settlement on these points has been, that the body of officials we call the ministry, have come to be not so much the servants of the

crown, as the servants of the commons. The sovereign may be so placed as to be obliged to accept the service of men not personally acceptable to him. But the commons can never be so conditioned. It is not too much to say, that by this means the executive power has passed into the hands of the lower house; and if there be a grandeur in the position of England on which most other nations may well look with admiration, we owe it largely to the foresight and firmness of the men who secured this adjustment to the powers of the constitution in the settlement of 1688.*

Feeling of William—Intention of the Whigs.

Some of the above measures were far from being acceptable to William; and had it been possible to secure a succession of princes of his character, several of them might have been dispensed with. But in an hereditary monarchy, the worst men may come into the place of the best, and it became the parliament to legislate accordingly. Our country needed the genius and high moral worth of the prince of Orange, that the falling power of the Stuarts might be utterly prostrated; and it needed equally the zealous pertinacity of the Whigs, to insure that there would not be a return of the old evils under a new line of princes.

Government by the crown gives place to government by party.

With the reign of William III. came an end to the long struggle between our kings and our parliaments. Since the accession of the house of Stuart conflict in this form had been perpetual. The political rivalry of the time to come is not so much between sovereign and subject, as between party and party. The parties are substantially what they have long been. The Whigs and Tories who became so conspicuous towards the close of the seventeenth century, are very much what the parliamentarians and royalists were at its commencement. During more than a century from the Revolution there can hardly be said to have been a third party. Coalitions are attempted, but they are

* *Parl. Hist.* v. 138, 171, 189, 191, 552.

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always failures. In future, the government of England becomes unavoidably a government by party. Minorities may modify the course of majorities, but the majorities are to govern. As a rule, the ministers of the crown are Whigs or Tories; and it is the strength of either as a party, much more than the favour of the sovereign, which raises them to office.

Tory reaction under Anne.

The resistance made to this course of events by George III. will be mentioned in its place: and under Anne parties were so nearly balanced that the influence of the queen sufficed to turn the scale considerably in favour of the Tories. The favourite cry of this party concerned the church. They always spoke of themselves as being the church party. The Whigs they affirmed were the allies of separatists—in other words, of schismatics and heretics of all grades. The parochial clergy were never weary of iterating such imputations. The minds of their hearers were drugged with such teaching. It was the feeling thus produced which made the course taken by the Whigs towards the notorious Dr. Sacheverel so damaging to them. In a sermon preached before the lord mayor and the corporation, that divine maintained, that notwithstanding what had been done in 1688, the doctrine of the most absolute passive obedience continued to be the doctrine of the English constitution and of the English church. The discourse was printed, and some forty thousand copies were sold in a few weeks. The Whig ministers construed the servile and intolerant invective of the preacher as an attack upon themselves; and discarding the advice of Somers, who urged them to leave the case to a court of law, they gratified the vanity of the charlatan offender by placing him at the bar of the house of lords. We need almost to have lived amidst the fierce and intolerant passions of that time to understand how intelligent men should have been prompted to such action. The pulpit and the press were made to scream with alarm. The passions of the people were roused to an

The Sacheverel excitement.

almost incredible degree. Nonconformists dared not show themselves. Many of their places of worship were forced open, violently defaced, or levelled to the ground. The houses of Nonconformist ministers were entered, and the pious men and their families were insulted on their own hearths. It is some compensation to find, that even this event led to a more explicit enunciation of the great principle of the Revolution than had hitherto been made by parliament. But it was fatal to the Whig ministry; and had the life of the queen been prolonged, all that had been done in favour of religious liberty since 1688 might have been for a season rescinded.*

The Occasional Conformity and Schism Bills.

Short as their tenure of office was, the Tories succeeded in carrying two bills of a very intolerant description. Many wealthy Nonconformists, by occasional communion with the church of England, became eligible to civil offices, and were admitted into corporations. The Occasional Conformity Bill which now became law, restricted such offices to persons who joined in the worship of the Established Church, and in no other. Bolingbroke, a deist, and the friend of Voltaire, now became the champion of the church and of the clergy, and introduced his Schism Bill. The intention of this Bill was to deprive the Nonconformists of the right to choose educators for their own children, by limiting the function of schoolmaster or tutor to churchmen. Liberal men denounced this measure as worthy of Julian the Apostate. But it passed the commons by a majority of 237 against 126; and the lords by 77 against 72. The day, however, on which this law was to come into action, was the day on which the English sceptre was to pass to the house of Hanover.

From the death of queen Anne in 1712 to the accession of George III. in 1760, the Whigs are ascend-

* Burnet, ii. 540-543, 554. *Parl. Hist.* v. 805-887. *Trial of Dr. Sacheverel.*

ant, and the government is wholly in their hands. From this time, the government by party, of which we have spoken, may be said to have become matured and settled. George I. could not speak the English language; his tastes were all Hanoverian; and his advisers in consequence were allowed to rule in his name with a freedom which no English sovereign had ever ceded to a ministry. George II., too, was much engrossed with German politics; and though he knew more of England than his father, and concerned himself more with its affairs, he left a large space to the influence of the persons about him. These circumstances, and many others antecedent to them, tended to settle the relations between crown and parliament in the form familiar to ourselves. Henceforth, it rests with the people to determine what the majority in the lower house shall be; and by means of that majority to determine what the executive shall be: and the first two sovereigns of the house of Hanover were content to accept their power under those conditions. Government as administered in the name of those princes did little towards enlarging the liberties, or advancing the intelligence, of the country. But it did much towards securing root and stability to those great principles which had given existence to the progress already realized. During the reign of those sovereigns, the season of legislative progress was followed by a season of great material progress.

Parliamentary government takes its settled form.

Healthy, however, as this action of the public intelligence and feeling must have been in the main, it did not suffice to prevent a rapid growth of secret corruption. As political life came to be more and more a struggle between two great parties, everything was felt to be increasingly dependent on the number of votes they might respectively command. To acquire strength in this form, seats were purchased, places were conferred, bribes were distributed, men were retained as public writers, and influence of every kind was exerted. The Cabal ministry had pursued this

Growth of parliamentary corruption.

course long since. The Revolution, by giving more power to parliament and to party, became the innocent occasion of augmenting the evil. The parliamentary constituencies were so small, and their means of information in respect to the conduct of their representatives were so limited, that a house of commons once chosen, was subject to small influence from the nation, compared with what came upon it from the government and the court. It is well known, that under George I. and his successor, a large portion of the members of the lower house were regarded as men who had their price. Such men sold their votes in parliament very much as our old freemen often sell their suffrage in some rotten borough. A bad eminence has been assigned in this respect to Sir Robert Walpole and his colleagues. But in fact, it is scarcely too much to say, that the statesmen in those days who could not descend to govern more or less by such means, must have ceased to govern at all. The feeling was, that it became them to save the nation; and that during this transition from a highly monarchical to a highly popular form of government, it was only by such means that it could be saved.*

Influence of the press.

Among the causes which contributed to the progress of this transition, a foremost place must be assigned to the press. With the invention of the press came laws to restrain its uses. The church was the first to take alarm; but the state soon gave

* It is due to Sir Robert Walpole to state, that the committee appointed in 1742 to investigate the charges of corruption brought against him, though consisting almost wholly of his enemies, did not make out any strong case against him. Mr. Burke affirmed that no minister so long in office had ever been less tainted with that vice. The same high authority adds: 'The prudence, steadiness, and vigilance of that man, joined to the greatest possible lenity in his character and his politics, preserved the crown to this royal family, and with it their laws and liberties to this nation.'—*Appeal from the New to the Old Whigs.* Yet it must be added that in 1753 it was shown that nearly a million and a half had been distributed as secret-service money during the last ten years. The elder Pitt, to his great honour, stands above suspicion in relation to this great evil of his times.

the same sign of apprehension. So with the skill of the printer, came the function of the licenser, to determine what should or should not be printed. As a natural consequence, nearly all the free thought which found expression in this form in the sixteenth and seventeenth centuries passed to the public through some secret press. From the commencement of our civil war restrictions of this nature among us were of necessity very much relaxed. Milton spoke as the more free spirits of his time spoke when he said, 'Give me the liberty to know, to utter, and to argue 'according to conscience, above all other liberties.' With the Restoration, much of the old arbitrary policy returned; but in this respect, as in others, it did not all return. It was, however, made to be felony to set up a printing press anywhere out of London or York, except in the two universities. In 1695 the Stuart licensing Act died a natural death. Both Whigs and Tories deemed it prudent to abstain from any attempt to revive it. From that time there is perfect liberty to print. But the law of libel remains, and with it the liability to prosecution on the ground of obnoxious printing. Strange to say, prosecutions on this ground proceeded, not so much from ministers of the crown, as from the house of commons. This happened from the fact, that under Anne, and subsequently, the press was the great weapon employed by the two rival parties. In this strife, the ablest men published treatises, threw off pamphlets, and wrote newspaper articles. Nothing could be more exceptionable than much of this kind of literature. But with all its faults it evinced great power, and its dominant tone was liberal. Even the Whigs often complained of its strong democratic tendencies.

Under George I. and George II. the literary character of the political press deteriorated considerably. It became charged more than ever with the rancour of party passions; and some men were forward to punish in others the licence which they had themselves as-

sumed. Ministers, indeed, generally left their assailants to their course, or contented themselves with encouraging one hireling railer to face another. But from the accession of George III., political writing becomes much more influential; and from that time the attempts made to abridge its freedom fill a large space in our history. Lord Bute, the first minister of the new king, was driven from office by the press. Wilkes, editor of the 'North Briton' newspaper, and Junius, in his Letters, provoked a series of state prosecutions. Some subsequent proceedings of this nature called forth the eloquence of Erskine, in vindication of the rights of juries in relation to such questions. The great lord Mansfield, and many of his learned brethren, would have restricted the verdict of the jury in such cases to the fact of publication, reserving judgment as to the criminality of the matter published to the court. But Erskine, Pitt, Fox, Burke, all raised their voice against that doctrine. All maintained that the reasoning which would narrow the province of a jury in such cases to such limits, must require that it should be so narrowed in all cases, and so the boasted safeguard of the Englishman—trial by his peers—must become a mockery. The result was the introduction of Mr. Fox's libel bill, which affirmed the contrary doctrine, and which passed unanimously through the lower house, and all but unanimously through the upper.*

The press under George III.

It was not until some while after the accession of George III. that the right to print reports of proceedings in parliament was allowed to pass unchallenged. In 1728 it was resolved by the commons that the speeches of members should not be published during the sittings of parliament. In 1738 the house decided, by a unanimous vote, that they should not be published at all.† What could not be done openly was

Publication of proceedings in parliament.

* *Parl. Hist.* xv. 1346-1386; xvi. 1322; xvii. 43; xxix. 551-602, 726-742.

† *Memoirs of Sir Robert Walpole*, i. c. i.

then done under various disguises, but disguises so thin that they might readily be seen through. The 'Gentleman's Magazine' inserted the debates as those of the senate of Lilliput. The 'London Magazine' published them as speeches by the members of a political club, the speakers being designated by old Roman names which were easily interpreted.* Even the 'Annual Register,' and so far down as the early years in the reign of George III., rarely ventured to do more than give the initials of the speakers. In 1746 the peers instituted proceedings against a printer who had published a report of the trial of lord Lovat, whom the commons had impeached. Pelham, the prime minister, said of these obnoxious persons, 'Let them alone; they make better speeches for us than we make ourselves.' In 1740, Dr. Johnson began publishing his reports in the 'Gentleman's Magazine,' and continued them during the next two years. Johnson did not attend in the gallery; but received reports from those who did, and from the rough material so furnished prepared those speeches which won for the commons a much higher reputation than they deserved.

But the great and final struggle on this question came as late as the year 1771. The tone of the newspaper press at that time was of a very scurrilous description. To put an end to such criticisms, some of the weaker men in the lower house resolved if possible to exclude all reporters, on the plea of a breach of privilege. The more able members deprecated this proceeding from the beginning. But a motion passed, requiring Wheble and Thompson, printers of two of the most obnoxious journals, to appear at the bar. The men refused, and the city took them under their protection, alleging that no arrest of the accused persons could take place within the city except by the city authorities. So the case grew to be a quarrel between

* Cox's *Memoirs of the Pelham Administration*, i. 354.

the commons and the corporation of London. The faction in the lower house now extended their assault to the whole city press, and the ministry was weak enough to commit itself to this policy. It was strenuously resisted by the opposition. They protracted the first discussion upon it until four in the morning, and divided the house twenty-three times in a single sitting. The debate on the following day was one of the most angry in the history of parliament. The personalities were bitter and incessant. It extended to five in the morning. 'The house has its serjeant-at-arms, said the city patriots, but London has its serjeant-at-mace. The lord mayor, and another magistrate, appeared at the bar of the house. The angry majority would not cede to them the benefit of counsel, and proceeded so far as to send them to the Tower. Great was the excitement thus raised. The lives of some of the unpopular members were said to be in danger. A committee was now appointed to search for precedents and to make a report. But the report made was of small value. The prosecutors had pursued their object so unwisely that the public feeling was nearly everywhere against them. From that time parliamentary reporters have discharged their office without molestation. Concerning the liberty thus acquired, we may perhaps say, that no other circumstance in the history of parliament has contributed so much to save it from the evils incident to such assemblies, or to strengthen within it the better qualities proper to its high function.*

Accession of George III.

From the accession of George III. we have to date the commencement of a memorable change in the history of the English government. The Whigs had been so long in the almost undisturbed possession of power, and the ruling party in parliament had seemed to be so naturally and constitutionally the ruling

* *Annual Register*, 1771. *Parl. Hist.* xvii. 58-119, 186-204. Massey's *Hist. Eng.* ii. 93-116.

power in the state, that nothing seemed further from the public mind than the suspicion that the crown might venture to show itself opposed to this course of affairs, and become so potent in resisting it as to place the government in quite other hands. But unexpected as this change was to most men, Horace Walpole had evidently seen it as by no means improbable. Writing, towards the close of the reign of George II., he says: 'It may be wondered that I, who know and 'have drawn the emptiness of the present royalty, 'should, in the exordium to a new period, in which 'surely the effulgence of majesty has not been displayed with any new lustre, detain the reader with 'reflections on a pageant which has so little operation 'on the reality of the drama. But I must be pardoned; though I now behold only a withering king, 'good, as far as acquiescing to whatever is the emergent humour of his people; and by no means the 'object of jealousy to his subjects; yet I am sensible 'that from the prostitution of patriotism, from the art 'of ministers who have had the address to exalt the 'semblance, while they depressed the reality of royalty, 'and from the bent of the education of the young 'nobility, which verges to French maxims and to a 'military spirit, nay from the ascendant which the 'nobility itself acquires each day in this country '—from all these reflections I am sensible that prerogative and power have been exceedingly fortified of late 'within the circle of the palace; and though fluctuating ministries by turns exercise the deposit, yet there 'it is; and whenever a prince of design and spirit 'shall sit in the regal chair, he will find a bank, a 'hoard of power, which he may play off most fatally 'against this constitution.'* These were words of prophecy of which the history of England during the next three-quarters of a century was to present a large

* *Memoirs of the Last Ten Years of the Reign of George II.* vol. i. 326, 327.

fulfilment. But though this action of the crown was to operate as a great let and injury to the constitution during those years, we happily know that it was not to operate 'fatally,' and that it was to be thus exorbitant only for a season.

Early life of George III.—his Tory policy.

George III. was the grandson of his predecessor, and had passed his youth under the oversight of a widowed mother. The princess dowager, it was well known, had been most assiduous in disposing the mind of her son towards those principles which might have been consistent in a descendant of the house of Stuart, but which were singularly out of place in a scion of the house of Hanover. The time had come, however, in which the partial avowal of such principles might be comparatively safe. The young king of two-and-twenty boasted of being an Englishman born, and as intending to rule in the spirit of an Englishman. Sufficient space had intervened since 1688, not only to destroy the last hope of the Stuarts, but to give to the new settlement, in the general apprehension, much of the hereditary character of the old. The reign of the Whigs had been long enough to expose it to the influence of the fickleness which is hardly separable from popular feeling; and the notorious corruption by which the sway of that party had been perpetuated, had been such as might well have disposed many persons to acquiesce in the experiment of a change.

The king, no doubt, valued the reputation of England. It was the kingdom of which he was himself king. But his Stuart jealousy of the power of parliament, and his resolve if possible to subordinate that power to his will, committed him to a policy the tendencies of which were to invert those political relations between the sovereign and the great council of the nation which had been recognized and settled at the Revolution. Principles which had made him king of England, were the principles which he set himself through a long life to discountenance and suppress. For it did not suffice that the new king should be at

liberty to choose his own ministers. His majesty required that his ministers should be the instruments of his power and of his personal will to such an extent, as to make their responsibility to parliament a small matter, compared with their obligation to execute the pleasure of the crown. That it should be in the power of parliament to make or unmake ministries, was felt to be especially humiliating. The result was, that when ministers were forced upon him by circumstances, which was often to be the case, they became ministers in name more than in reality, much of their legitimate power being taken from them, and the real advisers of the monarch being persons in his confidence behind the throne. In fact, his majesty was bent on the pleasure of exercising power, though he knew the unpleasant consequences of his so doing must fall mainly upon his instruments—a course which was as unconstitutional as it was ungenerous and unjust.

It was said, indeed, that the crown had been long kept in bondage by an oligarchy of ruling families, who had been allowed to usurp all the functions of government, and that the aim of the king was simply to free himself from a thraldom, the continuance of which could not be to the interest of the crown or of the nation. And had the policy of George III. been thus restricted, much might have been said in its vindication. It was by no means unnatural that the king should desire to be somewhat less dependent on the suffrage of the 'Whig grandees' than his predecessors had been. But it soon became manifest, that the real object of his majesty was to degrade utterly the great party which had secured the throne to his ancestors; and to raise another party, which would willingly have seen the sceptre pass into the hands of a Stuart sovereign, into its place. The feeling evinced in this policy, and its perilous tendencies, roused the indignation of the Whigs, and of their adherents throughout the nation.

The person who had been nearest to the king while

prince of Wales, and who continued to be nearest to him for somewhile after his accession, was the earl of Bute—a representative peer of Scotland. As a Scotchman, the prejudice of the nation was not in his favour. The Stuart feeling manifested by Scotchmen had called forth resentments which were not soon to be allayed. Moreover, his lordship had been long known as standing high in the favour both of the princess dowager and of the king; and a favourite at court is rarely a favourite with the people. Nor was it enough that the earl should be a Tory—he was a Tory of the most obnoxious type. His great passion—if anything pertaining to him could be said to be great—was the possession of power; and the one instrument by which he strove to realize and to retain it was intrigue. He achieved nothing as a speaker, nor was there anything in his mind or in his manners to soften the unfavourable impression otherwise produced.

The earl of Bute.

Coupled with the earl of Bute was the duke of Newcastle. The duke, while incorruptible himself, had taken up the threads of parliamentary influence as left by Sir Robert Walpole, and had carried parliamentary corruption to an extent which that minister never contemplated. In his policy, the nation was too much a puppet to be moved by votes of parliament, and votes of parliament were means of power to be bought by money or by influence. The intention of the king on his accession was not to put an end to the exercise of power in this form, but to secure it to his own purposes. His majesty, so far from scrupling to soil his hands with corruption, descended to practise it to the greatest extent possible.

Duke of Newcastle.

Many families among the great landholders through the kingdom, so long repelled to a distance by a court wholly under Whig influence, were now to come under royal favour. The country gentlemen, too, who had shared considerably in this political banishment, were to be banished no longer. But it soon became evident that it had not been given to these parties to learn

Policy of the king's friends.

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much in the school of experience. They were not content with showing themselves opposed to all change which might be thought to impair the influence of the crown, their feeling degenerated into a morbid repugnance to change of any kind. The king availed himself, with a skill hardly to have been expected from his limited capacity, of the assistance to be derived from the ignorant classes on the one hand, consisting of the inferior gentry and their retainers; and from the interested classes on the other, consisting largely of the clergy and professional men, who in this country generally follow in the wake of wealth and power.

Ministerial changes.

But the monarch was to find the course he had chosen a very troubled one during the greater part of his reign. When his majesty's first parliament was about to be convened, the sovereign and his friends did their utmost to influence the elections in favour of the new policy. The Whigs in office were to be dispensed with. Mr. Pitt, the great commoner, was a statesman much too popular with the parliament and with the nation to be acceptable to George III. Only a few years since, Mr. Pitt had seen the nation dishonoured, dispirited, all but prostrate. But he had succeeded—succeeded alone, in breathing into it a new courage, in retrieving all its disasters, and in raising it to a position of contentment and gratitude at home, and of power and renown abroad. So much he did to prepare the way before the new king. But the man who had saved his country, was soon made to feel that the terms of office had become such as could not be submitted to with honour. He resigned. The king sent for him, addressed him in the most flattering language, moved him to tears, and succeeded in casting a cloud over his reputation by inducing him to accept a peerage and a pension. Lord Bute now became prime minister. One after another the Whigs in office were dismissed, or constrained to retire. An unsatisfactory peace was carried through parliament by court influence, and by means of corruption more gross than had ever been

known even in that quarter. Then it was that the princess dowager was heard to say, 'Now my son *is* a king;' and the king himself was known to have said, 'Never more shall those Whig grandees be admitted 'to power.'*

The king's difficulties —Spirit of the nation.

But this boast was premature. It had scarcely been made when lord Bute was driven from power by popular resentment. During the next twenty years, the king was obliged to submit to more than one coalition ministry, and to a first and second Whig ministry under lord Rockingham. His majesty had also to face much popular disaffection, sometimes growing into turbulence; a licence of the press which no law could restrain; and the reproach of disaster and disgrace abroad in addition to discontent at home. The parties whom the monarch had hoped to divide and conquer, proved to be too strong, and too capable of combination, to be readily vanquished. Through all those years, his majesty's administration was a ceaseless fret and conflict, singularly irritating to all parties. Indeed, from 1760 to 1790 two great facts are observable in our political history. The king, on the one hand, is ceaseless in his efforts to augment the power of the crown, and to bring both parliament and people into subjection to his wishes; while the nation, on the other hand, in place of submitting at once to this policy, becomes more free in its opinions, more bold in the expression of them, and more capable of organization in its endeavours to vindicate the right of such utterances.

Wilkes and his case.

The proceedings of the ministry and of the commons in the case of Wilkes, were a gross violation of the rights of the electors of Middlesex, and a precedent which menaced the rights of electors through the kingdom. In 1768 the military were called out to suppress the riots in the capital on this question. The opposition in relation to it in the commons was

* Walpole's *Memoirs*, i. 233.

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led by some of the ablest statesmen. In nearly twenty of the counties of England meetings were convened, and resolutions were passed by the electors in support, of their brother electors of Middlesex. London took the same side in meetings of magistrates and citizens. The lash applied by Junius was applauded by the press generally, by the middle classes, and by the populace. So general and so formidable an expression of public opinion no living Englishman had witnessed.*

Parliamentary reform.

Through 1779 and 1780 there was a movement of the same description on the question of parliamentary reform. The attempts made to convert parliament into a mere instrument of the crown, provoked effort to make it more truly the voice of the nation. Meetings were convened in twenty-four counties, the great county of York being among them. Meetings in county halls; and a great meeting in Westminster Hall, over which Mr. Fox presided, were sustained by the presence of men of wealth and rank, and joined in sending up the substance of their resolutions in the form of petitions to parliament. It is in the early days of George III. that this organized form of action, since so familiar to Englishmen, may be said to make its appearance in our history. Nearly half a century was to be occupied in discussion on the great question of reform in parliament, and still it was to be postponed. But like all rational and sober questions in our history, being duly pressed, it was to come in its season.

Political associations.

Nor was it enough that there should be occasional combination for political objects. From this time we have to date the existence of permanent organizations for such purposes. Societies, committees, delegations —all the apparatus by which political parties among ourselves have been wont to keep up communication, and to insure joint action, came into existence at the time now under review. The king would have drilled

* Massey's *Reign of George III.* i. c. ix.

the people into submission to his pleasure. But the people were not disposed to be so drilled. Indeed, they began to drill themselves to a very different purpose. This new power in the state is to be strong in the time to come—strong in some instances for evil, but strong also for good.*

American war.

With these domestic questions, producing so much excitement, came the war with our American colonies, which gave a new intensity to the feeling of parties. The king and his friends declared themselves opposed to all concession. The trading classes, and the people connected with them, took the opposite side. The Whigs placed themselves at the head of these classes, and pleaded, not for the surrender of the royal authority, but for considerateness and conciliation in its exercise. It became manifest, however, that the court and the landed interest were dominant on that question through the counties, and that between them they could command the greater part of the boroughs. The Whigs and the trading interest could not place an equal weight in the other scale. At length, the Whig leaders decided to leave the American difficulty in the hands of their opponents. They would not be present when points relating to it were under discussion. It was an unwise policy, and became doubly so when only partially acted upon. The Whigs were not themselves of one mind concerning it. This error was not a little disastrous to their waning power.

Reappearance of the republican party.

It was during this war that the democratic or republican party, which can hardly be said to have been perceptible among us since the Restoration, comes once more into prominence. The disasters of the war made opposition in this form especially irritating to the government.

The event which gave success to the policy of George III. was the French Revolution. The execution of

* Massey's *Reign of George III.* ii. c. xxiv. iii. xxvii.

Influence of the French Revolution.

the king and queen, and the inhumanity and impiety which disgraced the professed regenerators of society, brought deep discredit on their real or supposed friends in this country. Nothing was more easy than to point the attention of the people to such scenes as showing the disorganization and misery to be expected from the ascendancy of men given to change. The 'no-popery' riots under lord George Gordon, and the manifestation of a feeling of the same nature in Scotland, had sufficed to show that the populace of both kingdoms were not only prepared to uphold Christianity, but to uphold it in its established form, and to do so, if once excited, with much prejudice, intolerance, and brutishness. Hence to George III. and his friends, the course of events in France came as a god-send. The doom of the French monarchy, of the French nobility, and of the French priesthood, was held up as a faithful picture of the excesses which result naturally from the popular principles so much applauded by Whig statesmen. It soon became evident, that the majority of the nation, especially in the higher and lower ranks, were by no means proof against the cry thus raised.

Depressed state of the Whigs—Tory rule from 1793.

When Mr. Pitt descended to adopt it the die was cast. The reign of a church-and-king policy commenced. In 1793, such were the defections from the Whig ranks, both in parliament and through the country, that Mr. Fox could not muster more than some sixty votes on a liberal division. The first Mr. Pitt, the great commoner, was a Whig—his son, for a while a Whig, was to become the chosen type of English Toryism. The first Mr. Fox was a Tory, and his son, after having shown leanings that way, was to become the representative of pure Whiggism.

When the two great parties had come to this stage in their history, the government of this kingdom became in many respects deeply humiliating. Its sway was, to a great extent, a reign of terror. No doubt

there was a low class of democrats in England, whose ignorance, and whose ill-governed passions, might have made them dangerous, had they been many in place of being comparatively few. But the mobs of the lord George Gordon description were much more numerous, and fully as dangerous. And if the ignorant classes disposed to side with the revolutionists were few, the educated classes were much fewer. The government, however, did not, or would not see matters in this light. It opposed organizations of its own to the real or imagined organizations of the disaffected. It instituted a spy system which was made to spread itself everywhere; and miscreants who could not detect treason, to satisfy their employers, were careful to stimulate, and sometimes to invent it.

State prosecution.

Hence came a long series of state prosecutions, in which law was so perverted, or so openly violated, that each one of them, in place of removing disaffection, multiplied it manifold. The proceedings against Frost, Briellat, Winterbottom, and Hudson in England, and against Muir and Palmer in Scotland, were such as to show that the utterance of liberal opinions, such as are now accounted perfectly harmless, might expose men to the severest penalties in those times. Men of the most worthless character were accepted as witnesses; and juries who wanted evidence managed to pronounce the verdict of guilty in the absence of it. Next came the trials of Hardy, Tooke, and Thelwall; and later, those of Cobbett and Leigh Hunt. In these cases, where there had been fault, the servile means employed to procure conviction, and the excessive penalties imposed, insured that the feeling of all intelligent and right-minded men would go with the alleged criminals.

Frost was an attorney, of sufficient position to have been employed by the duke of Richmond and Mr. Pitt, in prosecuting their reform measures. But he had uttered words in conversation after dinner at a coffee-house which were deemed seditious, though no

advised seditious intention could possibly be proved from them. He was sentenced to be struck off the roll, to stand in the pillory at Charing Cross, and to be imprisoned six months. Briellat was charged with uttering seditious words in a butcher's shop and in a public-house. Witnesses deposed that he had not spoken the words attributed to him; but their depositions were not heeded, and the man was sentenced to be imprisoned for twelve months and to pay a fine of 100*l.* Winterbottom was a Baptist minister, a man of intelligence and of unblemished character. He was accused of uttering seditious words in two sermons. Many persons attested that the alleged words had not been uttered by him. The testimony of his witnesses, and his own defence, were such that the judge directed an acquittal. But the rabid jury gave a verdict of guilty; and the injured man was sentenced to four years' imprisonment, and to pay a fine of 200*l.* Dr. Hudson, dining with a friend at the London Coffeehouse, was overheard by persons near him in giving expression to some free political opinions. He was given in charge to a constable by the company, tried, and sentenced to a fine of 200*l.* and to two years' imprisonment. The cases of Muir and Palmer were still more iniquitous. Muir was a young barrister of a high order of ability. Palmer was a Scotch clergyman. Their crime was in insisting on a radical reform of the house of commons. But it was affirmed that the men who broached such sentiments endangered the altar and the throne, and were justly exposed to the penalties of sedition, if not to those of treason. The whole manner of the court towards Muir, was as if the soul of Jeffreys had entered into it. Muir was doomed to fourteen years' transportation, Palmer to seven years. In fact, any attempt to amend an existing institution, exposed the innovator to the charge of meditating the overthrow of the constitution and the introduction of French anarchy and atheism. In 1795 a judge at York could tell a jury that the

young man of two-and twenty at the bar, had not violated the law by pleading for a reform of the house of commons, but that by doing so before a large number of people, and in a time of public excitement, he had justly exposed himself to fine and imprisonment, and the jury gave the verdict accordingly. Another judge laid it down, that for a newspaper to reflect on a foreign power in a way that might displease that power, may be construed as a libel and punished as such.* It seems hardly credible that Englishmen should have been living in such an atmosphere little more than half a century since. But such was the reign of distrust and terror brought upon England by George III. and by the school of politicians who became so potent under his management.†

* The reader may find a full account of these proceedings and of too many like them, in Howell's *State Trials*, vols. xxiii.-xxxi.

† Even the ordinary administration of law, both civil and criminal, was in a deplorable state during the whole of the eighteenth century. Until more than the space of a generation after the accession of George III. every act of parliament came into force from the commencement of the year in which it passed. The effect of this *ex post facto* legislation was often the loss of property, in some instances the loss of life. (33 George III. c. 13.) Where such a cruel absurdity could be tolerated we may be sure there was much more of the same character. The chicanery of the law is still bad enough, but then it was almost incredibly bad. It almost seemed as though law had been devised, not to secure property and to humanize society, but the contrary. The language of wills, on the fair construction of which so much of the happiness of society depends, was a special field for legal artifice and ruinous litigation. Nothing was more common than for debtors to perish under the hard, murderous treatment of their jailers. In some prisons they were allowed to look through the bars of their prison and to ask alms from the passers-by. Even women, if parties to coining, were not allowed the favour to be hanged—they were burnt alive. Of the barbarous recklessness with which the sentence of death was pronounced, we may judge by the fact that within the space of nine months, ninety-six persons, men and women, were hanged at Newgate. In truth, the foul recesses of our law could not so long have escaped the execration of the people had not the ingenuities of professional prejudice and selfishness been very busily employed in veiling them from the public eye. Writing of our common law courts so late as 1797, Edmund Burke says, 'I know them of old, and would not trust the fame or fortune of any human creature to them if I could possibly help it. They seem by their proceedings to be in league with every kind of fraud and injustice.'—*Letter to Dr. Lawrence*, Feb. 15.

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History of the Whigs since 1693.

But from the low estate to which it was then reduced, the liberal party was to rise once more. The popular principles which the Whigs had avowed through the middle of the reign of Charles II., and which seemed to be so thoroughly submerged by the reaction which followed, were to come forth as with new life in 1688, and were to be, with slight intermission, the governing principles of the state during the next three-quarters of a century. Some sixty years since, that party was confined apparently to a mere coterie, who had their place of meeting in Lansdowne House, and subsequently in Holland House; and to another small fraternity in Edinburgh. The former confederacy were disposed to do a kind of worship to the free speculations of Mr. Jeremy Bentham. The latter gave existence to the Edinburgh Review, to be an engine of warfare on a much wider range. Mr. Fox had pledged his party to amity with France, not only at the outbreak of the French Revolution, but through the great French war. The nation scorned that policy; and at his death, among the many eminent men who survived him, no one was found competent to take his place as a leader. Disorder entailed weakness. Through many years the Whigs were occupied in schooling their opponents into an acceptance of their principles, and into passing measures which were not their own.

It was left to William IV. to call the Whigs to office, and to give them the oppportunity of carrying out their own policy after their own manner. During the next thirty years, a peaceful progress was realized, the most remarkable ever witnessed in an old and settled country within the same space of time. To the principles of this party through this interval we have to attribute the extinction of colonial slavery, as the complement to the suppression of the slave-trade; the revision of our penal code; the progress of law reform; the improvement of our prison discipline; the termination of imprisonment for debt; the great

amendment of our poor-law; the supervision of lunatic asylums; the long-sought reform in parliament; the reform in our corporations; the Catholic Relief Bill; the concessions to Protestant Dissenters which have followed the repeal of the Corporation and Test act; the greatly altered temper and conduct of our judges; the new registration of births, marriages, and deaths; the rapid growth of popular education; the cheapening of the means of knowledge; and so great a change in the tone of public opinion and feeling on all social questions as to affect the entire spirit of our legislation, and to present a contrast to the past almost as that of light with darkness. No doubt, many intelligent and generous men who have never openly ranked themselves with this party have aided in these achievements. But the bold and humane statesmanship which originated them, and the sustained power which has been necessary to give them accomplishment, have come from the great party proscribed on the accession of George III. In the Radicalism and Chartism which have shown themselves among us, we see the maxims of our liberal politicians pushed to the kind of excess which seems to be inseparable from the history of all great principles whenever they show themselves strong enough to bring about great social changes.

Causes which favoured the growth of the English constitution.

The fact that we possess a constitution, saved through so many perils, and so favourable to freedom and to material development, must be traced to many influences. The old Saxon and Teutonic type of man everywhere possesses the faculty of organization, and everywhere studs the soil with forms of local government. Saxons, Danes, and Normans, all come from the same stock, and in this respect evince the same tendencies. The principle moreover which subordinates groups of families to the sovereignty of law, leads naturally to the subordination of clustered provinces to a central and sovereign power. The sense of right and of fidelity rooted in Teutonic nations,

takes these forms of self-protection upon itself spontaneously. But this tendency of race might not have sufficed had it existed alone.

One grand element in relation to our destiny is found in our insular position. This fact has not only served to deepen our feeling of nationality, it has contributed in a marked degree to place those restrictions on the power of the crown which are absolutely necessary if there is to be liberty to the subject. Our great means of defence are on the sea, not on the land. Accordingly, the continental plea in favour of a standing army does not apply to us—and the absence of a standing army was the absence of the great instrument by means of which monarchs have become arbitrary. For this reason, the friends of liberty in our history were so earnestly opposed to the existence of any force among us after the continental fashion. And when civil war had given ascendancy for a while to military power; and when after that the helm of the state passed into the hands of the Whigs, then, as we have seen, even Tories learnt to protest against allowing the kings of England to wield a force at all like that at the disposal of the continental princes.

Another circumstance intimately connected with the progress of our liberties may be seen in the ceaseless industry of our people. The love of labour, and an intense desire of the gain to be realized by labour, are passions characteristic of our nation. There is hardly another in which they have been so strong. Now, wealth is power—power to the nation, and power to the individual. But the sovereign who would abstract from the power of the subject in this form to augment his own, needs be careful, in the case of such a people, that his right to do so is clear, and that his reason for doing so is valid. Hence the demand so constantly made of a redress of grievances as the condition of granting supplies. In fact, the liberty won by the sword in our history has been small, compared with the liberty won by the purse.

It is a fact also, that our country has been favoured as the birthplace of men eminent in their gifts, and eminent in their self-consecration to the public good. Such men are the leaders and educators of nations. The better forms of revolution in English history have not been the revolutions of majorities. They have been the work, not so much of the many, as of the strong. The ignorant, sensuous, and selfish mass are commonly slow to move; and among men in the higher grades the generous and the noble are the exception, and not the rule. Of this truth the reader has seen evidence enough in these pages. But with us, religion has been a power, and has often generated that spirit of self-sacrifice which must take the lead, more or less, in all great changes.*

* See also pp. 9-12 in this volume.

CHAPTER II.

SOCIAL LIFE.

Growth of population.

WE have seen that the interval from the accession of George I. to the decease of his successor was marked by great material prosperity. In fact, the progress of the British empire since the settlement of 1688, may be said to present the most instructive and extraordinary chapter in modern history. The population, indeed, increased but slowly during the first half of the eighteenth century—a fact among many serving to show that progress in that respect may be determined by other causes than the increase of wealth and of material comfort. According to our most trustworthy authorities, the population of England and Wales in 1700 was 5,134,516; and in the course of the next fifty years the increase was less than one million. But at the close of the century the number given is 9,187,176. In 1830 it had become 13,840,751. Early in 1861 it exceeded twenty millions, and the population of the United Kingdom had become 29,334,788. If we extend our enumeration to our foreign possessions, including India, the subjects of queen Victoria may be estimated as 274,000,000.

Higher value of life.

In the space between 1695 and 1830, the average of life in the case of persons reaching twenty years of age has been increased by ten years. Many causes contributed to this result. Greater medical skill, especially the extirpation of the small-pox; the draining of marshes and towns; better food, better clothing and better homes; together with greater cleanliness, particularly since the commencement of the present century. But from about 1740 the value of life

became higher in England than in any other country, except Scotland.*

The army.

The feudal system, military as it was, did not recognize any man as being a soldier and nothing more. Military life was only a branch of social life. Men were trained to arms as being landlords or tenants, or as being dependents on such persons. Our militia in later times came into the place of that force, and consisted equally of men who did not cease to be agriculturists or citizens by becoming soldiers. At the time of the Revolution, the militia, infantry and cavalry, were reckoned as 150,000. Half a century later they are said to have numbered 200,000. Until the passing of the Mutiny Bill in 1689, the law of England knew nothing of a standing army. In that bill the law was embodied which empowered the king to govern a new class of subjects, viz., regular soldiers; and which determined what that government should be. The bill was passed for a single year. From year to year it was expected to be declared no longer necessary. But it has never ceased to be renewed. Loud, however, and protracted, was the protest of all parties, against this innovation. In a standing army, as the

*M'Culloch's *Statistical Account of the British Empire*, i. 396-402, 415, 416. Chamberlayne writing before the middle of the last century, says, 'England contains, according to the calculation of Mr. Houghton, in his account of the acres and houses, with the proportional tax of each county of England and Wales, printed *Anno* 1693, 1,175,951 houses. Now allowing to each house, one with another, six persons, there will be found in all 7,055,706 souls, and among them 1,000,000 of fighting men.'—*The Present State of Great Britain*, c. v. This writer adds, 'The common people will endure long and hard labour; insomuch, that after twelve hours' hard work they will go in the evening to football, cricket, prison bars, wrestling, cudgel-playing, or some such vehement exercise for their recreation. They are as long lived generally as the people of any nation in the world. In the reign of James I. eight old men, all living in one manor in the west of England, danced a morice dance, whose ages put together made eight hundred.'—Ibid. Registrar-General's *Report of Births, Deaths, and Marriages in England for* 1861. Chamberlayne, Books i. and iii.

reader has seen, the Tory saw the image of that rebel force which had laid the church in ruins, and sent the king to the scaffold; while the Whig saw in it the embryo of those military monarchies, under whose shadow all liberty had perished. Both parties happily combined, though from different motives, in perpetuating a dread of military ascendancy, and at a time when a feeling of that nature was to conduce largely to the preservation of our freedom. His majesty's guards, in the time of George II., did not number six thousand men. The only additional force accounted permanent was the militia, and by that time the drill of the militia had come to be very irregular and ineffective. The wars which followed the French Revolution were to reconcile the nation to the existence of a vast military establishment, and were to show how such an establishment might be made to consist with the progress of civil and religious liberty.

The navy.

But the popular jealousy of the army, which continued through the whole of the eighteenth century, was not extended to the navy. James II., both as king and as duke of York, had done much to augment the power of the British navy. But the past in this respect was to be greatly eclipsed by the future. Before the middle of the last century the royal navy included 125 line-of-battle ships, seven of which carried one hundred guns each. The seamen in the service of the crown were reckoned as 40,000; but to have manned the whole navy at once would have required a much greater number. So skilled were the English ship-builders, that a third-rate English ship, it was said, might engage with a first-rate of any other nation. Long before the Nile and Trafalgar became so memorable in our naval history, no ballads had been so popular through the nation as those which commemorated such exploits. The old Norse blood of our seamen seemed to be as much at home on its favourite element as ever. We have now reached the era of

steam-ships and iron-clads. What will the future of this be? That question the future only can answer.*

Revenue.

The reader has seen that the ordinary revenue under William was fixed at 1,200,000*l.* In the year ending with the thirtieth of June, 1863, the total revenue of the United Kingdom of Great Britain and Ireland was 70,683,860*l.* 11*s.* 9*d.* The total ordinary expenditure was 68,624,596*l.* 18*s.* 1*d.*

State of agriculture.

We have glanced at the state of agriculture in England under the Tudors.† Important as the science of agriculture manifestly is, in no department of occupation has it been so difficult to introduce improvement. The isolation of agriculturists as a class in former times was not favourable to their intelligence. Compared with men who had their homes in towns and cities, they were placed at great disadvantage. But the impolicy of landlords, in refusing to let their farms on terms which might secure to the tenant a fair return from the skill and labour expended on the property intrusted to him, was the cause that did more than any other to perpetuate a low state of husbandry —a state so low, that it failed, until very recently, to gain from the soil more than half the produce it might have been made to yield. Turnips and clover—two products so material to a prosperous agriculture—became known among us before the Restoration; and by the close of the seventeenth century, potatoes, supposed to have been introduced from Virginia by Sir Walter Raleigh, are said to have become very common in Lancashire, and to have begun to make their appearance in all parts of the kingdom. But the rotation of crops, which now lies at the foundation of efficient farming, did not make much progress during

* Chamberlayne's *State of Britain*, Book ii. c. 14. In 1740 the average cost of a first-rate was 60,000*l.* The real strength of the navy at the time mentioned was as follows:—Seven of 100 guns, thirteen of 90, sixteen of 80, twenty-three of 70, nineteen of 60, forty-seven of 50, twenty-three of 40, nine of 30, twenty-five of 20. In all, 185.—Ibid.

† Vol. ii.

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that period. Drill husbandry, so earnestly commended, if not invented by Jethro Tull, and Tull's treatise on 'Horse-hoeing Husbandry,' published in 1731, were land-marks of progress in this science.

Corn-laws.

But the great stimulus to improvement came from another source. Under the Tudors the exportation of corn was prohibited. The corn-dealer was not only interdicted from selling corn to the foreigner, he could not remove it from one part of the kingdom to another, except under certain annoying restrictions. But before the decease of Elizabeth, it became evident that the great inconvenience of frequent alternation between very high and very low prices, had come from those regulations, and some attempt was made to relax them. Our Stuart sovereigns, however, did not act upon this policy. They imposed duties on the exportation of corn. At the Revolution our legislators took another course. From that time farmers were at liberty to send their produce to the best market, either at home or abroad. The effect was soon perceptible. During more than half a century, large exportations of grain continued to take place. Subsequently, the imports of that commodity gradually exceeded the exports, and such has been the tendency since. This, however, has not been the result of a declining agriculture, but of a growing commerce, and of a natural increase in wealth and population.*

Live-stock — Enclosure acts.

Still, it is not in producing grain, so much as in breeding live stock, that English farming has pre-eminence over other countries. Since 1750, this has been the relation between these two branches of industry. Since that time, also, the growing demand for pasture land has contributed to the marvellous increase of our Enclosure acts. In the reign of queen Anne parliament passed two acts only of that description. George I. assented to sixteen. George II. to two hundred and twenty-six. Before the close of the

* M'Culloch, i. 550-556. Porter's *Progress of the Nation*, sec. ii. c. i.

eighteenth century more than fifteen hundred such acts passed the legislature, embracing 2,804,197 acres. And this tendency continued. Between 1797 and 1832 more than two thousand new acts were introduced and approved. The land brought under new culture by this means, between the accession of George III. and the year 1832, is estimated as including between five and six million of acres, and the produce of those acres is supposed to have been made more than four-fold by the change. Since 1815 the increase of corn from our own soil has kept pace in the main with the rapid increase of our population. Every year has witnessed improvements in draining, in manuring, in machinery, in general management, and in the relations between landlord and tenant. The repeal of the corn-laws, in place of being fatal to English husbandry, has given it an impetus the force of which is still only in progress. Much remains to be done, but the distance between the past and the present in this respect is almost incredible.*

Decrease of persons employed in agriculture.

One remarkable fact in the history of our agriculture must not be passed over. While the ground covered by its operations has become greater, the hands employed in the cultivation of it have become less. In this we see the effect of improved method, and especially of the introduction of machinery. In 1831 the persons employed in agriculture were one-fifth less than in 1811, while the persons connected with trade, or employed otherwise than in husbandry, increased one-seventh. About a fourth of our population may be said to have been connected with agriculture at that time. But the remainder, it must be remembered, embraced not only persons engaged in manufactures and trade, but all classes of professional men, and even the army and navy.†

* M'Culloch's *Statistical Account*, &c. i. 555-558. Porter's *Progress of the Nation*, sec. ii. c. i.

† Porter's *Progress of the Nation*, 52-67. 'In 1831, the divisions of the people as regarded occupations was such in Great Britain, that 315 persons

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The woollen trade.

In the history of English manufactures our woollens are among the most ancient and considerable. Broad-cloths were produced in this country before the close of the twelfth century. But, as we have seen, the Flemings were much in advance of our ancestors in the art of weaving. Hence the custom, which continued so long, of sending our wools to that ingenious people to be dyed, and to be returned to us in cloths. Until 1660 wool was freely exported. But from that time to 1825 the law prohibited its being sent out of the country. Our long staple, or combing wool, was said to be unrivalled in quality, and this restriction was designed to secure to us a monopoly in certain fabrics. When the prohibition was taken off, the prophecy of disaster seemed for a moment to be realized. The French produced a better article with the same material. But this inconvenience proved a wholesome stimulus. The English cloth was soon made to equal the French; and in less than twenty years from the repeal of the restrictive law, the increase in our exports of this commodity became double. The value of the woollen goods exported from England in 1700 is estimated at three millions. In 1844 it had become more than eight millions. The increase in our production of wool during the first half of this century was considerably more than one hundred per cent. The West Riding of Yorkshire has become the chief seat of this manufacture, and the increase of population in that

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were employed in raising agricultural produce for themselves and 685 other persons—that is, 1000 persons sufficed to provide food for 3174 persons, including themselves. In 1841, it appears that 251 persons raised the food necessary for themselves and 749 other persons; 1000 persons employed in agricultural processes supplied the wants, as respects food, of 3984 persons, including themselves—one person thus raising nearly all the food of home production consumed by four persons.'—Ibid. 61. 'In many cases the laws of England have conceived a better opinion of the yeomanry who occupy lands, than of tradesmen, artificers, or labourers. Husbandry hath in no age rendered a gentleman ignoble nor incapable of places of honour.' —Chamberlayne's *State of England*, 176.

district between 1800 and 1841 has been from 563,958 to 1,154,101, or one hundred and four per cent.*

Cotton.

But there is nothing in the annals of industry so extraordinary as the growth of our cotton manufactures. In 1785 the cotton imported into this country was 17,992,882 pounds. In 1790 it increased about one-third; and in 1800 it was 56,010,732. Its average did not vary remarkably from this amount between 1800 and 1816. But from that year—the year after the peace—there was a steady, and then an accelerated increase, until in 1844 the quantity of cotton taken up for consumption by our manufacturers rose to 554,196,602 pounds. But even this was the day of small things. The total imports of cotton in 1860 amounted to 1,390,000,000 pounds being an increase in fourteen years of 197 per cent. Of this supply 85 per cent. came from the United States, 8 per cent. from other sources, and 7 per cent. only from British territory. By this time five millions of our population had become directly or indirectly dependent on this branch of industry. The productiveness of the capital and labour thus employed in the year mentioned, including the raw material, reached nearly eighty millions sterling. Of this vast produce, the home consumption in that year was valued at twenty-five millions, leaving property to the value of fifty-five millions to be disposed of by exportation. The entire capital invested in this manufacture is said to be not less than two hundred millions.†

Machinery and steam-power, by so marvellously augmenting the power of production, became the mainspring of this extraordinary development. The general adoption of Arkwright's invention for spinning, subsequently to 1785, trebled the cotton manufacture in fifteen years. The first steam-engine constructed for a

* Porter's *Progress of the Nation*, sec. ii. c. ii.

† Papers by Mr. Chadwick and Mr. Bazley in the *Report of the British Association*, 1861.

cotton mill was set up by Watt at Papplewick, in Nottinghamshire, in 1785. In 1800 there were thirty-two such engines in Manchester. Since that time the rate of progress reads more like fable than like fact. In 1833 a steam-loom weaver, from fifteen to twenty years of age, could attend to four looms, and with the assistance of a girl of twelve years of age, could furnish ten times the pieces of shirting in a week that a weaver could produce from the hand-loom. And to judge correctly in respect to this department of our industry, we must add to pure cotton goods the vast amount of textile commodities in which cotton is mixed with other material. Hosiery and silks rank next in importance to our cottons and woollens, and contribute largely to swell the stream of our national wealth.*

Our mineral wealth.

Our country owes its most ancient name to one of our minerals. And the land of tin has been found rich in copper, in brass, in lead, and eminently in iron and in coals. From 1750 to 1816, the tin obtained annually from the mines of Cornwall, was in the

* *History of the Cotton Manufacture in Great Britain*, by E. Baines. *Memoirs of the Manchester Literary and Philosophical Society*, vol. iii. Dr. Ure's *Philosophy of Manufactures*. M'Culloch's *Statistical Account*, part iii. c. iv. Porter's *Progress of the Nation*, sec. ii. c. ii. On the river Derwent near Derby, Sir Thomas Lombe 'erected those mills which work the three capital Italian engines for making organzine or thrown-silk, which was purchased formerly by the English merchants with ready money in Italy; and in the session of parliament held in the year 1732, an act passed for granting to his majesty the sum of 14,000*l.* to be paid to Sir Thomas Lombe, as a reward for his eminent service, in discovering and introducing the arts of making and working the said three capital Italian engines, and preserving the invention for the benefit of the kingdom, and a further term of fourteen years was granted him for the sole privilege of making and working the said engines. By this invention, one hand will twist as much silk as about fifty could before, and it is done much truer and better than by any other way. The engine contains 26,586 wheels, and 97,746 movements, which works 73,726 yards of silk thread every time the waterwheel goes round, which is thrice in one minute, and 318,504,960 yards in one day and night. One waterwheel gives motion to all the rest of the wheels and movements.'—Chamberlayne's *Present State of Great Britain*, p. 9.

average between two and three thousand tons. Subsequently it began to exceed four thousand. The island of Banca, restored to the Dutch on our peace with France, became from that time a formidable rival to Cornwall in the supply of that article. The produce from the Cornwall copper mines became somewhat more than double during the last half century. In 1844 it amounted to between eleven and twelve thousand tons. But our mineral wealth consists mainly in our iron and in our coals. Without the assistance of coal, the ores of the country must all have been worked by slow, costly, and imperfect processes, and the iron especially, with which we have supplied both ourselves and the world so lavishly, could never have been at our disposal. The quantity of iron made in England in 1740 was a little more than seventeen thousand tons. The tons made in 1840—an exact century later—were estimated at a million and a half. This progress was realized by unequal steps. The 17,350 tons produced in 1740, came from fifty-nine furnaces, in which only charcoal was used. Between that time and 1788 the smelting of iron-ore by the use of coke was introduced; and in the latter year there were in England, Wales, and Scotland eighty-five furnaces, producing annually 68,000 tons, of which quantity 52,200, were smelted with coke. In 1796 there were in England, Wales, and Scotland 121 furnaces producing 124,879 tons of iron; in 1806 it had advanced to nearly 260,000. In 1825 the make was nearly 600,000 tons; in 1840 it amounted to 1,300,000 tons; in 1854 to 2,700,000 tons; at this time it cannot be much below 4,000,000.* In the average, the smelting of one ton of iron consumes six tons of coals—a fact which suggests much as to the value of coals in this branch of industry. The gold and silver of South America made the Spaniards rich without labour, and so conduced to the fall of the

* *Quarterly Review*, No. 217, p. 117.

Spanish greatness. The less-coveted metals found in England have made Englishmen rich by means of labour; and have served to show how the corrupting tendencies of wealth may be neutralized by the healthy tendencies of industry.

Birmingham and Sheffield trade.

The working up of these metals in various articles for use or ornament—as in Birmingham and Sheffield—and the application of them to all new kinds of machinery, to new weapons of war, to locomotives and to railroads, have opened to the industry and skill of our countrymen fields of employment almost without limit. Every new form of industry comes as new life to the old. It may supersede what is superannuated; but it not only fills the void it creates, it does much more. In the commencement of this century the population of Birmingham was little more than seventy thousand. In little more than fifty years it has become nearly three hundred thousand; and the growth of its manufactures has greatly exceeded this growth in population. This last result must be attributed in part to the greater skill which has been introduced into nearly all artizan operations. By this means, the same goods can be produced at an average of fifty per cent. less in cost. What we say of Birmingham may be said in great part of Sheffield. The export trade of these towns has always been very large.*

Badness of roads.

This growth of trade, both foreign and domestic, was greatly facilitated by the improvement of roads, and by new means of transit both for persons and property. At present England takes precedence of all other countries in the number and excellence of its roads. But a hundred years since no such praise could have been bestowed upon us. In 1690, a barrister, afterwards chancellor Cowper, complains of the roads in Sussex as so bad, as to be to a large extent impassable during the greater part of the year. The tracks which should have been roads are described as

* Porter's *Progress of the Nation*, 248-288.

streaming with mud and sewerage. It is lamentable, says the lawyer, that there should be people willing to live in such a country even for a livelihood. This language seems to imply that there was something special in the badness of 'Sussex ways.' But there were great thoroughfares near London which were hardly in a better condition. Lord Harvey, writing from Kensington so late as 1736 says,—'The road, 'between this place and London is grown so infa-'mously bad, that we live here in the same solitude 'that we should do if cast upon a rock in the middle 'of the ocean; and all the Londoners tell us that 'there is between them and us an impassable gulf of 'mud.' Only thirty years before, in meditating a journey to Chertsey, it was necessary to reckon on staying a night at Hampton. The horses which drew the carriage of the queen of George II. were two hours in conducting her majesty over the perilous ground between St. James in Westminster, and the palace at Kensington. If this may be said of the great western road out of London, it is not easy to imagine what the state of many of the less important thoroughfares of the kingdom must have been. Often they were rude tracks over heath and common, where the soil, in many places, was reduced by horses or wheels to the condition of a ploughed field. Often they became through use like deep cuttings between lofty banks; and then of course became narrower at every descent, and less likely to present a hard surface. Sometimes the course taken was a winding one through forests and along the sides of hills—but these were mostly bridle paths, traversed by the packhorse, and kept passable by laying flat stones across the footways. Many traces of these old paths are still left among us, especially in Yorkshire. Where the track lay through the open country, guide posts were often set up, to caution the stranger against bog and quagmire, as they still caution Alpine travellers against snow-pits and other dangers. Somewhile after the

middle of the last century, the well-known Arthur Young performed a six weeks' tour through England and Wales, and subsequently made an excursion northward. Everywhere he records his bitter complaints against the roads. Nearly all are pronounced execrable. In Essex, in Suffolk, in Oxfordshire, in Gloucestershire, and in Monmouth, the ways, though turnpikes were upon most of them, were commonly of the true Sussex description.* On visiting the north the tourist can hardly find words strong enough to express his indignation, and compassionately warns his readers against being ensnared into some of the sloughs along which he had to make his way.†

Small inland traffic from the want of roads.

With the means of transit in such a state, inland traffic must have been small. In nearly all our maritime towns, it was found that many commodities might be obtained cheaper from abroad by sea, than from at home by land. Two centuries since, London merchants could freight goods from Lisbon at less cost than from Norwich. Much later, the charge on carriage from Birmingham to London was from five to seven pounds a ton. From Exeter or Leeds it became twelve or thirteen pounds. Hence, many products familiar to some parts of the country were scarcely known in others. Pottery was rarely seen much beyond the districts in which it was produced. Its

* *Six Months' Tour through the Southern Counties of England and Wales*, 88, 89.

† Of the road between Preston and Wigan, he writes,—'I know not in the whole range of language terms sufficiently expressive to describe this infernal road. Let me most seriously caution all travellers who may accidentally propose to travel this terrible country, to avoid it as they would the devil; for a thousand to one they break their necks or their limbs by overthrows or breakings down. They will here meet with ruts which I actually measured *four feet deep*, and floating with mud, only from a wet summer. What therefore must it be in the winter? The only mending it receives is tumbling in some loose stones, which serve no other purpose than jolting a carriage in a most intolerable manner. I actually passed *three carts broken down* in those eighteen miles of execrable memory.' —*A Six Months' Tour through the North of England*, iv. 431. Smiles's *Lives of the Engineers*, i. part iii. *Archæologia*, vol. xx. 443 et seq.

place was sometimes supplied by pewter, and often, even in genteel families, by wood and leather. In all the villages and smaller towns of the country, utensils for domestic uses were carried by hawkers from door to door. Others exposed the finery expected to be attractive to females, after the same manner.

Domestic industry.

But the more useful fabrics to the household came from the domestic spinning-wheel. To produce such articles was the winter occupation of the thrifty matron, of her daughters, and of her servants. Winter, indeed, in those days, was anticipated, after the manner of the Arctic regions, as the season in which there would be no going abroad. To be shut in for some months by drifted snow, bad roads, or flooded streams, was the experience expected. Every well-managed house, accordingly, resembled a ship stored for a voyage. Material was collected in prospect of this home industry; and provisions were carefully laid in which should serve until the brighter days of another spring came round. Both linens and woollens were thus produced; and some females, more skilled, or in more easy circumstances than others, bestowed their labour on those ornate tapestries with which some old walls are still covered.*

Fairs.

With the summer season came the general movement induced by the great public fairs. Those gatherings for the periodical sale of all kinds of merchandise were welcome to the people, partly from the holiday life they brought with them, and partly from their presenting a choice of articles rarely if ever to be seen in the stock of the ordinary shopkeepers. Winchester fair, as old as the early days of the Plantagenets, still flourished; and that of St. Botolph rivalled it, as the

* Concerning domestic servants, a writer of more than a century since, says,—'They are at liberty to go where they please, and any man may hire them. They are scarce under any government, and are the pests of every family.'—Chamberlayne's *State of Britain*, 182. A foreign slave, if brought into England, remained the property of his master and could not 'demand wages like another servant.'—Ibid.

great mart for the north. Weyhill, Bristol, and many less considerable places were well known as centres of traffic in this form.

The packhorse.

The sign of the 'Packhorse,' and the announcement over inn doors of 'Good entertainment for man and horse,' so common in our country towns at the close of the last cenutry, take us back almost to the time when nearly all transit was by means of the pannier or the saddle. The roads at all adapted to wheels were the rare exception. The packhorse men, like the Spanish muleteers, or like the merchants of the east, generally travelled in companies. One horse, of better instinct or better training than the rest, took the lead, and might be seen turning his ears right and left to take cognizance of the signs of the old path over the wild moorland, or placing his foot sagaciously from stone to stone in the narrow track through the woody hollow, or along the jagged slopes of those English Appenines, the Yorkshire hills. From the collar of the leading horse was a bow of bells, which gave signal to those who might be advancing in the opposite direction to halt in some place where convenient passage might be given to the stream of quadrupeds at hand. And rough was the strife which sometimes followed, when packmen chanced to meet where one party or the other were obliged to retrace their steps. The merchants of Manchester carried on their whole trade after this manner. Their packhorse train entered one town after another, bearing their commodities, and returned laden with wool and other products obtained in the places where their own goods had been vended. The owners of the property generally travelled with it, the exigencies and dangers of such a trade being much too great to be left to a subordinate. The commercial traveller of our time knows little of difficulty, compared with the 'bagmen' of half a century since, and even the bagman of that time was a person at his ease compared with the prosperous merchant of a hundred years ago.

The pillion, as will be supposed, continued to be in use for female travellers. When Smollett performed his journey from Glasgow to London, he rode part of the way on a packhorse, another part in a waggon, and accomplished the remainder on foot. Students of Oxford and Cambridge achieved their journey to and from those seats of learning by the same means. The traveller who took his place in the waggon in those times, was not of necessity thrown among the lowest of the people. He might find himself in company with the wives and families of well-to-do tradesmen, and even with the daughters of clergymen. This now almost-forgotten vehicle, with its driver mounted on his pony, the stout horses treading their lazy way, and the bells on their necks tinkling their drowsy peal, rolled along at the rate of twelve or fifteen miles a day, barring the accident, which often came, of sticking fast in a ford or a hollow, or of a break down from the roughness of the way. Soon after the Restoration, a Frenchman of letters, named Sobrière, came to England, and relates that he made his journey from Dover to London in a waggon. Sobrière describes the waggoner as dressed in black, as wearing a brave monteron on his head, and as being armed as though he were a knight of St. George. 'He was a 'merry fellow,' says the Frenchman, 'fancied he made 'a figure, and seemed mightily pleased with him-'self.'* The waggon.

M. Sobrière might have travelled by coach, for stage-coaches began to make their appearance before the fall of the commonwealth. Those conveyances, however, were for some time of such indifferent construction, and so indifferently appointed, that a long interval passes before we hear much of them except in the way of complaint. Many people, like Sobrière, continued to prefer the waggon. In the winter, more- The stage-coach.

* Smiles's *Lives of the Engineers*, i. part iii. c. 11. Porter's *Progress of the Nation*, 289-304.

over, the stage-coach ceased to run. During that season the roads were given up as impassable. Even in summer, when heavy rains came, this form of conveyance ceased to be available, until the sun should return and harden the soil sufficiently to allow of its being possible that the wheels should turn through it. During the first half-century from their commencement, stage-coaches were not expected to travel more than from three to four miles an hour. In a journey from London to Exeter it was common to sleep five nights on the road. Journeys from the north to the capital were not more speedy. The time for starting might be fixed, but the time mentioned for the arrival was generally with the proviso of 'God willing.' The difference of a day on the road upon such occasions was scarcely felt as a hardship; and the passengers usually appointed a captain or chairman of the company, and determined for themselves where they should halt for refreshment or repose. But by degrees our roads were improved. Our 'long coach,' as it was called, the stage omnibus of those days, which might be seen in the early years of the present century, ceased to be the vehicle driven over such distances as between Bristol and London. The light structure and the skilful equipments of the English stage-coach, reached their perfection by about the close of the first quarter of this century, and a rate of ten miles an hour was accomplished without the least inconvenience to the horses, and to the great convenience of the public.

Highwaymen.

During nearly the whole of the last century the country was traversed in all directions by highwaymen, who levied their contributions upon travellers with a Robin Hood kind of freedom and system. Over the northern part of the kingdom the names of Turpin and Bradshaw were familiar to all ears, as those of leading professors in this art. Others took possession, with the same assurance, of Finchley Common, Hounslow Heath, and especially of Shooter's Hill—a place

which had been very attractive to gentlemen of such tendencies since the days of Henry VIII. Gibbets were set up along those highways, but without scaring the freebooters from their vocation. Not only with mail-guards, but with coachmen, the blunderbuss was as common as the precaution of a greatcoat against foul weather. Publications appeared almost without number, describing the adventures of the bolder and more skilful highwaymen, and the popular sympathy was widely with them. When Dick Turpin was executed, the lament over his fate, especially among the ladies, was as if a hero had fallen. The nearer to London, the greater became the danger of attention from persons addicted to living by such means. In Hyde Park and in Piccadilly, pistols were presented, and robberies perpetrated, at mid-day. In the correspondence of the time, noblemen and ladies of rank lament the losses they sustained by such assaults. The proprietors of places of fashionable resort—of Ranelagh, of Vauxhall, of Sadler's Wells, and of Belasyse Gardens, issued advertisements assuring the public that the ways to their several places of amusement would be guarded by men capable of giving the fullest protection to their visitors.* But though thefts from the

* Of London towards the middle of the last century, the following description is given by a contemporary:—'In this great city, the streets, lanes, and alleys are about 5000: dwelling-houses, before the late dreadful fire, were computed at 15,000 within the walls, and this is now only a seventh part of the whole city, as may appear by the weekly bills of mortality. The number of houses at present may in all probability be at least 150,000; especially if we include all the new streets, lanes, and courts, built within the last thirty years, such as all those about Gray's Inn, Lamb's Conduit Fields, Bloomsbury; all those in the upper liberties of Westminster; and, the most surprising of all, those about Grosvenor Square, Hanover Square, bigger than most of the great towns in England.'—Chamberlayne's *State of Britain*, 204. London now had its penny post, and its despatch and receipt of letters from the Continent on the average three times a week. 'Though the number of letters missive were not at all considerable in our ancestors' days, yet it is now so prodigiously great (since the meanest people have generally learnt to write) that this revenue amounts to about 110,000*l.* a year.'—Ibid. 258, 259.

person have continued common enough to our time, before the opening of the present century the highwayman may be said to have almost disappeared. Better roads tended to multiply travellers, brought in an improved system of police, and seemed to have disposed the men who fifty years before might have said 'stand' to the carriage of a nobleman, to betake themselves to forgery, to housebreaking, or to picking pockets. This, it is true, is only to sink into baser crime; but the crime being without romance, the perpetrators are quietly left to suffer any amount of retribution which their practices may bring upon them. It is something gained, when the misdeeds against society are so far diminished that they can only be committed by the shameless.

Railways.

By the side of these slow improvements in road-making; of this gradual introduction of canal works; and of the various applications of steam power, came the experiments and processes which were to give to us our great railway system. In little more than thirty years this vast network of communication has so brought the different parts of the country together, that the kingdom scarcely seems to know itself. The people who, a hundred years since, railed at stage-coaches, denouncing them as 'hell-carts,' on account of the mischiefs which were to be introduced by them, have been succeeded by a race within our own time who have prophesied after the same manner concerning the evils which were to follow in the track of the railway. Honest householders were to see their homes burnt to the ground by the rage of this new fire-king; all the live stock in our farms was to be scared from its natural ways; game was to come to an end; the beauty of the country was to pass away for ever; and health and life were to fail under the influence of the poisonous exhalations sent forth by the engine, or collected in the tunnels. Even sober men smiled at the idea of a locomotive travelling twice as fast as a stage-coach, and a periodical of the highest authority at the

time poured ridicule upon the notion. But a few years sufficed to bring silence on this school of prophets.

The Liverpool and Manchester line was opened in 1830. In 1860, the sum raised for the construction of railways in the United Kingdom amounted to somewhat more than three hundred and forty-eight millions of pounds. Of this sum one hundred and ninety millions were raised in ordinary shares, the remainder in preference shares, debentures, and loans. Together, these payments would cover nearly half the amount of our national debt. The men employed on our various railways are reckoned at a hundred thousand, and with their families make up half a million of souls. Immense, too, as the progress of this system has been, it has come upon us like one of the great forces of nature, gradually and silently. In 1851 not more than forty thousand persons could be brought into London, and taken out of it by our railways, in a day. In 1861 a hundred and forty thousand might arrive and depart in the same space of time. In the absence of the railway, anything like our present postal arrangements would have been impossible. The communications of this kind between London and Birmingham seven years since would have required the services of fifteen mail coaches.*

Effect of railways.

The material influence of railways, in facilitating the transit of property, and in equalizing its values, is incalculable; but their moral influence in doing so much to equalize intelligence, and all the means of culture, may be accepted as a still more significant prophecy concerning the time to come. It has converted our country into a great city. It is fast bringing the most distant parts of the world into the same juxtaposition. Regions which have long been as preserves to every kind of old prejudice, are to be such no longer. The battle between common sense and its

* Returns for the year ending 31st Dec. 1859. Presented to both houses of parliament.—*British Quarterly Review*, No. lxix. 159-174.

antagonisms is doomed to come up everywhere, and who can fear the result? Steam-power on land and water are the great wings destined to give to humanity the movement of the future.

Summary on British commerce.

In brief, as the effect of the discoveries and enterprises mentioned, and of many not mentioned, the manufacturing industry, the foreign commerce, and the navigation of England increased fourfold between 1830 and 1860. The total value of imports and exports for the United Kingdom in 1831 was 97,623,332*l.* In 1860 it was 373,491,000*l.*, giving an increase in thirty years of 283 per cent. In this interval also, while the population had increased nearly one third, the assessment for the poor-rate fell from 9*s.* 9*d.* per head of the population to 5*s.* 6*d.* Of 26,286 able-bodied adult males receiving out-door relief from 629 unions in England and Wales in January 1859, 24,505 were relieved on account of sickness, accident, or infirmity, 1,687 from want of work and other causes, and 94 on account of sudden and urgent necessity. These facts show the great material prosperity which must have come to the condition of the working classes, and the great moral elevation realized by it. In the year 1831 the number of depositors in savings banks in the United Kingdom was 429,503; in 1859 it was 1,503,916. In the former year the amount deposited was 131,79,495*l.*; in the latter it was 38,968,312*l.*, being an increase of 250 per cent. on the depositors, and of 184 per cent. on the deposits. With better dwellings, better clothing, and better food, came better instruction. The number of children attending day schools in 1818 was only as one in *seventeen* of the population; in 1833 they were as one in *eleven*; in 1858 they were as one in *seven*. At the earlier date, the total number at school was 674,883; at the later, 2,535,462. These are signs of progress which have no parallel in history.*

Pauperism.

Savings banks—Popular education.

* Speech by Mr. Edward Baines in the House of Commons, April 10, 1861.

An island kingdom, growing, as we have seen, in intercommunication, in industry, and in wealth, would naturally seek an outlet for its enterprise in colonies. The discovery of America, and of the passage to India by the Cape, had long since given an impulse of that nature to the foremost nations of Europe. Spain, Portugal, and the Dutch took the lead in such adventures. But Great Britain was to supplant them all in this field. Mention has been made of our earlier settlements in America, some of them originating in religious feeling, others in ordinary mercantile speculation. Our first colonial territory in the West Indies was in the island of Barbadoes, which was granted by patent to the earl of Carlisle in 1627. To that acquisition Cromwell added the not less valuable island of Jamaica, which from 1670, when sugar began to be grown in the West Indies, became the largest sugar-growing island in the world. But it was our great war with France, consequent on the first French revolution, that gave us our large possessions in those waters. To the same struggle we owe the Cape of Good Hope, and our vast territory connected with it. Our American dependencies southward of Canada were to be severed from us, but our progress in both the Indies, in South Africa, and in Australia, were to compensate abundantly for that loss.

Growth of our colonies.

Government in our colonies was determined very much by the circumstances of their origin. In most instances they were the joint-stock adventure of the parties engaged in them. Hence the right of these parties to the soil, and their right to self-government, were more or less ceded to them. Disputes, however, frequently arose between the proprietors; and the tendency of such disagreements was to throw one settlement after another into the hands of the home government. In this stage of its history, the colony retained a sort of parliament, consisting of an upper house, or council, and a popular assembly, the latter

Government in our colonies.

being chosen by the people, the former being selected by the governor, and the governor being a person deputed to his office by the crown. It was required that all measures of taxation should originate with the popular representatives; but no decision of that assembly could become law without the sanction of the governor, and the further sanction of the sovereign in council. Such has been the scheme of government common to nearly all our dependencies. The partial exceptions were in the case of our chartered colonies in North America, and in some acquisitions made by conquest. In all cases, what may be called the domestic institutions of the colonists have been respected. Any infringement upon them by the government at home has been an infringement on established law. Whether the constitution has been by charter, by the crown, or proprietary, the course of the central authority has been substantially the same. 'The dominant country determines the form of the government 'by which the dependency is immediately governed. 'But for other purposes the dominant country interferes as little as possible with the internal economy 'of the dependency; and especially the dominant 'country does not require the dependency to contribute to the expenses of the general government of 'the empire.'*

Social life among colonists.

With us, the colonist everywhere becomes more than ever a self-reliant man; and in place of surrendering his freedom, feels that he possesses it in a larger measure. In a new state of society where the luxuries of life are unknown, few are made restless by the want of them. If to be neither rich nor poor be a desirable condition of existence, such communities possess that privilege in a high degree. With many, indeed, the danger must be, lest they should be content with a comparatively rude supply of their material

* *The Government of Dependencies*, by Sir G. C. Lewis, 302. Merivale's *Colonization and Colonies*, Lectures iii. iv. xxii.

wants, and sink into indolent and coarse habits. But the love of acquisition is wisely implanted in the human spirit; and with the increase of wealth, the rough sense of independence becomes mellowed, more or less, by reverence, refinement, and courtesy. Such inequalities, and such new feelings as the consequence, are a natural growth, wherever the land is thinly peopled, and industry is active. These qualities, however, are rarely found in colonies as in older communities; and in consequence, the government of colonies is often a work of great difficulty. In English colonies this difficulty has been less than in the settlements formed by most other states from the political antecedents of the settlers. The love of order, and the reverence of law, so rooted in the Anglo-Saxon mind by nature and education, have prepared our countrymen to excel as colonists in a degree unknown to any other people—especially to the Spaniards, the Portuguese, or the French. Colonies must be to a large extent self-governed, or be governed very badly. To be dependent, after the Roman manner, on a central authority a thousand miles away, must be to be exposed to every imaginable mischief.

Value of colonies—real and imaginary.

The colonial empire of Great Britain is a demonstration of her great power. But the advantage derived from that source is not so great as is commonly imagined. Since the memorable attempt to compel the colonies of America to bear some part in the cost of their protection, we have given security to our dependencies wholly at our own charge. Our compensation for this expenditure has consisted in the facilities thus opened for trade, and for adventure on the part of the more enterprising in our home population. The protectionist laws, which have so largely regulated our commercial relations with our dependencies, have been long seen to be of very doubtful utility. If the smuggler can present a better article at a lower price, no vigilance of coast-guards will suffice to prevent his prosecuting a brisk trade. We have

often imposed heavy duties on foreign commodities to secure a preference to our own productions, or to those of our colonies. But on the whole, neither the mother-country nor the colony has been served by that policy. Other things being equal, the many ties which bind dependencies to the parent country must insure that the trade between them will be considerable. Meanwhile, competition will bear its usual fruit—better products, more economically produced. To an old country the value of colonies must be great, but chiefly as opening new outlets to trade, and to a redundant population, and as tending to diffuse the advantages of civilization. The colonies of Great Britain in 1863, exclusive of India, comprise 3,350,000 square miles. They import goods to the amount of 60,000,000*l.* yearly. Half these products they obtain from ourselves, the remaining half from other countries. They export commodities to the value of 50,000,000*l.*, of which three-fifths are sent to this kingdom. All this is done by a population that does not reach 10,000,000, and of which the white men are somewhat less than half. The colonies from which we derive the greatest advantage and at the least cost, are those of Australia.*

India, its special relation to the mother-country.

It should be mentioned that India is not included in this account of our foreign possessions. India has always been expected to bear the cost of the armaments necessary to perpetuate the connexion of that vast territory with the English crown. We send a viceroy over to India, but the high functionaries in that peninsula, both civil and military, are well paid, and paid from the revenues of the provinces, whose borders they protect, and whose laws they administer. Our trade with India has been a ceaseless growth, and promises to grow more rapidly than ever. In 1862, India exported goods to the value of 34,000,000*l.*,

* M'Culloch's *Statistics*, &c. ii. 509-517. *Parliamentary Report*, obtained by Mr. Bazley in 1863.

of which 15,000,000*l.* came to this country. Her imports are also given as 34,000,000*l.*, of which 22,000,000*l.* were supplied by ourselves, the remaining 12,000,000*l.* by other states. We send products to the value of 30,000,000*l.* to our other foreign possessions, and incur a cost of about three millions and a half for their protection, that we may have the privilege of doing so. We send goods to more than two-thirds of that value to India at no cost of any kind.*

West Indies.

But while our empire in the east may be described as prosperous and magnificent, the history of our settlements in the west has been, almost from the beginning, a history of difficulty and deterioration. This has resulted mainly from the introduction of slave labour; in part also from the tendencies of property in all sugar plantations to run out of the hands of small proprietors into those of large capitalists. This follows from the fact, that the cost of producing sugar on a large scale, is little more, in many respects, than the cost of producing it on a small one. Many proprietors, moreover, from selfishness, or from the disgust excited by revolting associations, became absentees, devolving the oversight of their estates—of their human chattels with the rest—on men who too often gave vent to their passions without restraint or shame. It is a great mistake accordingly to suppose, that before the eloquence of our philanthropists was directed against colonial slavery, all things in the West Indies were tranquil and prosperous. In 1670, the white population in Barbadoes was said to be 70,000; in 1724 they were little more than a fourth of that number. In 1650, the blacks in that island were 100,000. The reports made concerning the other islands at that time are much to the same effect. The most prosperous among them was Jamaica. But even

* M'Culloch's *Statistics*, &c. ii. 509-517. *Parliamentary Report*, obtained by Mr. Bazley in 1863.

there, with such ample space and extraordinary fertility, the white population in 1670 did not exceed 8000, and fifty years later they had not increased. Even there, too, before 1795, there had been no less than twenty slave rebellions. From the circumstance that property passed so signally into few hands, the condition of a large portion of the whites came to be little better than that of the coloured people. In a report from a committee of the house of commons in 1799, the history of the planters is described as showing a 'progressive deterioration,' economically and socially. In 1811 the house of assembly in Jamaica declared that this progressive deterioration had been 'gradually completed,' and that nothing but the immediate and powerful interposition of the supreme authority could save the colonies of the West Indies to the empire. Let it not be forgotten that affairs had reached this pass in the year which *preceded* the abolition of the slave-*trade*.

It is not to be denied that the abolition of the slave-trade raised the price of sugar; and that the abolition of slavery, a distinct and subsequent measure, was followed by much embarrassment and suffering. But had those great acts never found a place in our statute-book, the crisis in relation to West Indian property would have come. Had slavery been allowed to continue, the slaves left in bondage would have diminished, and ultimately have died out, for the revolting fact now became undeniable, that such is the tendency in the case of human beings so conditioned. And had even the slave-*trade* been allowed to continue, the exhaustion of the hot-bed soil of the old islands would not have been able to compete in productiveness with the virgin soil of the continental colonies destined to compete with them. After the peace of 1815, Demerara, Mauritius, and other conquered colonies were placed on the footing of our old English possessions; the East Indies came in as a formidable rival; and the Spanish colonies began to send their sugar, not

only to Spain, but to other markets. To these circumstances more than to the abolition of slavery, the planters of Barbadoes and of Jamaica owed their diminished prosperity. Very significant, truly, is the uniformity of law in such cases. 'The opening of a 'fresh soil, with freedom of trade, gives a sudden 'stimulus to settlement and industry; the soil is 'covered with free proprietors, and a general, but 'rude prosperity prevails. Then follows a period of 'more careful cultivation, during which estates are 'consolidated, gangs of slaves succeed to communities 'of freemen, the rough commonwealth is formed into 'a most productive factory. But fertility diminishes; 'the cost of production augments; slave labour, 'always dear, becomes dearer through the increased 'difficulty of supporting it: new settlements are occupied, new sources of production opened: the older 'colonies, unable to maintain a ruinous competition, 'even with the aid of prohibitions, descend after a 'period of suffering and difficulty into a secondary 'state, in which capital, economy, and increased skill, 'make up, to a certain extent only, for the invaluable 'advantages they have lost. Thus we have seen the 'Windward Islands maintaining at one period a 'numerous white population; afterwards importing 'numerous slaves, and supplying almost all the then 'limited consumption of Europe. We have seen Jamaica rise on their decay, and go through precisely 'the same stages of existence. We have seen how 'St. Domingo, in its turn, greatly eclipsed Jamaica; 'but Domingo was cut off by a sudden tempest, and 'never attained to the period of decline. Lastly, 'we have seen the Spanish colonies of Cuba and Porto 'Rico, after so many centuries of comparative neglect 'and rude productiveness, start all at once into the 'first rank among exporting countries, and flourish 'like the exuberant crops of their own virgin soil, 'while our islands, still rich in capital, but for the 'most part exhausted in fertility and deficient in

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'labour, were struggling by the aid of their accumulated wealth against the encroaching principle of decay. The life of artificial and anti-social communities may be brilliant for a time; but it is necessarily a brief one, and terminates either by rapid decline, or still more rapid revolution, when the laboriously-constructed props of their wealth give way, as they sometimes do, in sudden ruin.'* How much more welcome to the statesman and the philanthropist are the scenes presented by our settlements in India, in South Africa, and, above all, in Australia. We must hope that the cycle of change will bring better days even to the West Indies. Even now, the exports from those islands amount to 6,000,000*l.* and their imports to about the same. The white population is reckoned at 54,000.†

Ecclesiastical affairs —The Convocation, 1689.

During more than half a century after the Revolution, the ecclesiastical affairs, and the religious feeling of this country, did not keep pace with the progress of its industrial activity, or of its civil legislation. Almost the only sign of life in the Established Church during those years was in the houses of convocation; and there the form in which it manifested itself was little creditable to the clerical character or to Christianity. The clergy had been assiduous to secure the friendship of the Nonconformists, while their church, as they believed, was in danger of being submerged by a flood of Romanism. On the accession of William and Mary, more than twenty years had passed since they had been summoned to transact business in convocation. But his majesty deemed it proper, on assembling his first parliament, that this liberty should be given to them, and expressed his hope that the time had come in which a considerate course would be taken towards Nonconformists. Many of the bishops, and of the leading clergy, had not forgotten their

* Merivale's *Colonization and Colonies*, 92, 93. Ed. 1861.

† *Parliamentary Report*, 1863. *The West Indies*, by E. B. Underhill.

recent promises, and were prepared to redeem them. But the clergy of the lower house were for the most part coarse, narrow-minded, and passionate men, and now that their sense of danger had passed away, were found to be as firmly set against concession of any kind, as the prelates had been in the Savoy conference of 1662.

Fate of the Comprehension Bill.

Hence, while the Toleration Bill was to become law, the Comprehension Bill, which was born with it, was to be a signal failure. It was proposed in this bill, that the use of the surplice, the sign of the cross in baptism, the custom in reference to godfathers and godmothers, and to kneeling or sitting at the Communion, should all be left optional. The Presbyterian divine was not to be re-ordained, but was to be designated to his office by a bishop. Other things in the rubric were to be accepted as containing all things necessary to salvation, and with a general pledge to conform to them. But it was recommended that a commission should be appointed to revise the laws and forms of the church as should be deemed expedient. Great was the cry raised against these proposed concessions. You cannot gratify schismatics in the things mentioned, it was said, without wounding the feeling of your own children; nor can you make such changes to day, without being obliged, on the same ground, to make graver changes to morrow. The feeling of the Anglican clergy seemed to have wedded them more passionately than ever to the Prayer Book. In their eyes, the parts of the volume which all men of sense account its blemishes, were so many beauties. Their demand was for the book, the whole book, and nothing but the book. But a little considerateness might have saved these zealous persons a large expenditure of feeling. It might easily have been seen, that the scheme contemplated could not embrace the Quakers, the Baptists, or the Independents, and not more than a small portion of the Presbyterians. Some of the ministers of the latter sect, and some of its wealthy

laymen, may have conformed, and the dissent of the future might have been so much the weaker. But the future would have had its dissent, and without any very perceptible diminution, while the church of England might have earned for herself the praise of moderation. In its most liberal interpretation, the bill required every Presbyterian minister to submit to episcopal rule, and to that rule as it existed in the Anglican church, which was in effect to apprise him that on becoming a conformist he must cease to be a Presbyterian. The dissatisfaction and apathy of the Nonconformists left the field open to the more zealous of the clergy, and, as a natural consequence, the bill was dropped.*

After his first experiment, William dispensed with the services of the houses of convocation during the next ten years. But the agitators among the inferior clergy did not submit readily to the silence and inaction thus imposed on them. Every year the discontent became deeper and louder. At length, on their meeting in 1700, the lower house resisted the attempt made, after the customary manner, to prorogue them, and startled the whole community by asserting their right to sit and deliberate in independence of the prelates and of the upper house. Protracted and angry were the discussions which arose on this question. The press teemed with publications of all descriptions in relation to it; and the two houses were in high debate upon it at the time of the king's death in the following year.†

Convocation under Queen Anne.

Meeting again in the second year after the accession of queen Anne, all the old topics of controversy were revived. An address of thanks was presented to her majesty for assigning the first-fruits and tenths to the augmentation of poor livings. But no other business

* Macaulay *Hist.* iii. 89-99. Lord Macaulay's picture of the well-to-do city divines might be applicable to their condition some while after the Revolution, but not until then.

† Kennet's *Hist. Eng.* iii. 591-595, 799-802, 842-849.

was transacted; and the complaints sent to the upper house by the lower, being connected with so much irregularity, were little regarded. In the new convocation of 1705, the discussions became more violent than ever. The upper house prepared an address to the queen, expressing grateful acknowledgment for her majesty's affectionate care of the church. The lower house refused concurrence with it, and would not assign any reason for its dissent, but drew up another document which it required the prelates to adopt. Their lordships, as may be imagined, did not comply. So the matter of an address came to nothing. The queen now wrote to the primate, assuring him of her approval of his course; and asserting her determination to uphold her supremacy, and to enforce the obedience of the presbyters of the church to the bishops. The archbishop was to make this letter known to the bishops and clergy, and at once to prorogue the convocation. The lower house listened with astonishment to her majesty's language; but recovering from their surprise, they presumed to defy the crown as they had defied the mitre, by continuing to sit after this communication had been made to them.

The convocation assembled in 1711 was convened under Tory auspices. The lower house evinced the temper and purpose with which its members had come together, by choosing Dr. Atterbury as their prolocutor or chairman. Atterbury was a churchman of high Tory principles, learned, acute, restless, and fearless. Under the guidance of her new advisers, the queen granted as large powers to the convocation as the law since the Reformation permitted. It was to institute inquiry concerning what might be done to check the growth of heresy and infidelity. Under this pretext, Atterbury drew up a paper in which every kind of reproach was cast on the public men who had ruled in England since the Revolution. The prelates, upon whom much of this censure was intended to fall, on account of their Whig tendencies, prepared a more

sober statement. But the old impediment recurred. The upper house would not adopt the representation of the lower, and the lower would not adopt that of the higher. Mr. Whiston, professor of mathematics in the university of Cambridge, had published Arian opinions, and had been removed from his professorship. The convocation condemned the professor's heresy, but the question arose—Was that all it could do? The primate said they could do no more. But the case became so important that the judges were consulted. Eight of their number decided that on such questions the two houses had a jurisdiction; but what the nature or extent of the jurisdiction was, seems to have been so much a matter of doubt, that even the lower house deemed it wise to restrict the action of its orthodoxy to a condemnation of Mr. Whiston's book, without instituting proceedings against its author. It was left to the great Hoadley controversy of the next reign to put an end to these unseemly exhibitions. The convocation of 1717 took up that dispute; but in doing so brought its ambitious performances to an end. Synodical action, as it is called, had been tolerated long enough to enable all sober men to see the scandal that may be regarded as all but inseparable from such action.

Decline of religion—Theological speculation.

The fact that the clergy persisted through a quarter of a century in presenting this spectacle of strife and rancour before their flocks, may be taken as evidence that the religion of the country must have been in a very unsatisfactory condition through those years. In truth, this is the conclusion suggested by nearly the whole of the writings on theology which make their appearance during the eighteenth century, and by the controversies which then became prominent. The Catholic controversy, which had been carried on with so much learning and fervour from the commencement of the Reformation, may be said to have died out with the history of the Popish plot, and with the exile of James II. The absolute pretensions of Romanism;

the retrograde thought which characterized the school of Laud; and the strong action of private judgment, seen in the development of individualism or independency in the time of the commonwealth, were all superseded by discussions intended to show that what is called natural religion is possible, and that there is nothing in revealed religion that is not consonant with it. Individual intelligence and responsibility were still distinctly recognized, and so far the Protestantism of the past, and that strongest form of it, the individualism seen in Independency, had not been lost. But care was now taken to inculcate a more considerate and cautious deference to a wider intelligence—to what may be called the general common-sense verdict of men on such questions. The writings of our English deists, which attracted so much attention soon after the Revolution, tended to give this direction to the religious thought of the times. The works of Bolingbroke, Tindal, Toland, Collins, and Chubb, belong to this period. During the first half of this century, the great labour of divines seemed to be to make it clear that the tenets of orthodoxy are in the Scriptures, and that they are not irrational: and when that end seemed to be pretty well accomplished, the discussion, through a similar space of time, narrowed itself to argument intended to show that the records containing those tenets are historically truthful. It may be said, accordingly, that some fifty years were occupied in discourse upon the internal evidence for the truth of Christianity, and that an interval hardly less extended was given to a discussion of its external evidence.

The English deists—Influence of their writings.

It would be only natural to suppose that during this century the country must have been leavened with religious scepticism. Such an array of defensive force, and continued so long in action, seems to imply the presence of an antagonism so formidable as hardly to admit of being vanquished. But the case was not so. The mass of the people were little influenced by such

Scepticism less general than was supposed.

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speculations. Many among the educated classes were more or less seduced by them, and as these were the classes with whom the clergy were in nearest intercourse, they appear to have entertained an exaggerated idea of danger from this source.

Defective state of religious teaching in the 18th century.

The effect was not good. Christianity was presented everywhere as a case open to suspicion, and needing to be proved; and, unhappily, the care about the proof seemed to become so absorbing, that what was to be done with the matter proved appeared to be forgotten. Great effort was made to save the machinery, very little to show the uses to which it should be applied. Much was written in defence of religious dogmas, very little to nurture a religious life. For many who contended earnestly, not only for Christianity, but for the orthodox conception of it, were content to see their orthodoxy issue in the inculcation of a scheme of ethics possessing neither more substance nor more vitality, than might be found in the teaching of the old heathen moralists. To prove that Christianity is neither an absurdity nor a lie is not to prove much. When the Gospel was so interpreted as to do little more than admonish your tradesmen that they must not cheat, your servants that they must not be mendacious, and the lawless about you that they must not appropriate your property or injure your person, it is hardly surprising that society should not be greatly interested in such a communication. When the Gospel aims at so little, we may be sure that even that little will be far from being accomplished.

Limited influence of the clergy.

Nor was there anything in the character and lives of the clergy to compensate for this poverty and ineffectiveness in their teaching. In the reign of Anne, the income of six thousand of the clergy—more than half their whole number—did not average more than 50*l.* a year.* The queen's bounty, and some other acts of parliament, improved this state of things a

* Bentley's *Remarks of Philelcutherus Lipsiensis.*

little, and only a little. In the reign of George I. the livings under 80*l.* a year exceeded five thousand.* Doomed to such poverty, the majority of the parochial clergy continued to be, as they had been from the time of the Reformation, men of very limited education, with habits and manners which scarcely raised them to the level of the intelligent yeomen or tradesmen in their congregations. The means, too, by which any addition could be made to their incomes were few. Their children, poorly fed, poorly clothed, and poorly educated, were sent out as early as possible to earn their living in the stable, or at the plough, as housemaids, or in a service still lower. Men who entered the church with the prospect of some good family living, or of rising by patronage, brought, for the most part, little advantage to their function, beyond that of being somewhat better educated, and somewhat more proficient in the manners of the world. In such cases, the country rector often became what the country squire was, being quite as jovial in his habits, quite as fond of following the hounds, and as little governed in other respects by any sense of professional decorum. The church service must of course be performed, but nothing could be more perfunctory than the manner in which such men hurried through it. The marriage service or the burial service over, the parson threw off his clerical garb, and was seen fully equipped for the field. Men filling the higher places in the church were of course more observant of the proprieties of office. But even such men had commonly passed through a noviciate of the looser description. The lighter literature of the eighteenth century is full of pictures taken from these phases of clerical life.

Low state of religion and morals.

With a clergy so little influenced by religion, and so often faulty in their morals, we can imagine what the condition of the people in those respects must have been. If speculative infidelity was very much

* Chamberlayne's *Present State of Great Britain*, 202.

restricted to the educated classes, practical infidelity was common to them and to the classes below them. Even the lowest orders, who rarely entered a church, still regarded themselves as church people; and multitudes who made light of every Christian obligation still accounted themselves Christians. Their fathers and mothers were buried after the church manner; they had been themselves married at church; their children were christened at church; what could more visibly denote that ecclesiastically they were all they should be? Upon occasion, accordingly, they would rail at Presbyterianism and Puritanism; and boasting of their freedom from religious cant, would deem the absence of that a sufficient compensation for the absence of everything religious. In the present day religion is supposed to have its chief influence over the middle class. But we see no sign of its being so a century ago. The material prosperity of the age was extraordinary, and the whole community became sensuous in an extraordinary degree. Good men who lived in those times lament, in the most pathetic terms, the abounding irreligion, and the life of mere animal indulgence to which the mass of the people had surrendered themselves. Intemperate habits were common to all ranks.* Discourse concerning loose amours, and concerning the licentiousness to be witnessed in places of public amusement, might be heard everywhere. We are not ourselves free from vice in these forms; but it is vice under restraints which were then unknown—vice shut off from the general community by a public feeling which did not then exist. In respect to intelligence, even the townsmen were almost incredibly ignorant, and the agriculturists were in a condition still lower.

* 'England abounds in variety of drinks above any other country in Europe. Besides all sorts of the best wines from Spain, Portugal, France, Italy, Germany, Hungary, Greece, there are sold in London above twenty sorts of other drinks.' A large portion in this series consisted of different sorts of ales.—Chamberlayne's *State of Britain*, 188.

Public amusements.

Gambling was the great amusement of all fashionable assemblies in those days. Ladies, in common with gentlemen, were given to deep play. The excitement, exhaustion, and social misery which follow such pursuits, need no description. To divert the mind from such tastes, even the public amusements of the time, exceptionable as they were, might be a comparative benefit. Nothing, however, could be worse than the character of many of the places of public resort, and even of places where the company was supposed to be made select by the cost of admission. An establishment in Soho Square, where persons paid a guinea to listen to music and singing, was known to be the scene of such dissolute proceedings, that the celebrated lady who conducted it was convicted by a jury of being a rogue and a vagabond. Here is a picture of Vauxhall as it was less than a century since. 'The gardens on the Surrey side of the river were 'frequented by persons of fashion up to a recent 'period; but no person now living has witnessed the 'debaucheries which were of nightly occurrence at 'Vauxhall from the time of queen Anne to an ad-'vanced period of the reign of George III. The 'boxes were scenes of drunkenness and riot. The 'dark vistas and secluded alleys were infamous for 'still more heinous vice and crime. The lessee of 'Vauxhall made an attempt, in 1764, to retrench the 'debauchery which made it scandalous, if not unsafe, 'for any decent woman to enter the gardens. He 'closed the secluded walks, and lit up the recesses; 'but the young gentlemen of fashion, resenting this 'invasion of their licence, immediately tore down the 'barriers and put out the new lights.'* The profligacy of the court was greater and more open under

* Massey's *Hist. Eng.* ii. 65, 66. 'For apparel and clothing the French mode hath been generally used in England in late years. In the time of Elizabeth, sometimes the High Dutch, sometimes the Spanish, and sometimes the Turkish and Morocco habits were worn by the English in England.'—Chamberlayne's *State of Britain*, 189.

Charles II. than under George II., but the profligacy of the people generally was not such in the former period as it became in the latter. In fact, there was scarcely anything in the state of society in the Roman empire before its dissolution to indicate the approach of that catastrophe, which might not be seen on a smaller scale in this country, in the middle of the last century.

The Nonconformists deteriorate with the times.

Even the Nonconformists did not wholly escape the influence of the current of change and deterioration which had thus set in beside them. In regard to theology, the Presbyterian ministers and congregations fell lamentably into the snare to which they were thus exposed. The majority of them became more or less sceptical concerning the tenets which had been handed down to them by their fathers, and by degrees settled in the sort of Arianism which was to be the precursor to modern Unitarianism. But in such cases portions of the congregations generally seceded, and became Independents, either by forming new congregations, or by joining those already existing. In this line the theological doctrine of the ministers ejected in 1662 was to be perpetuated. During the whole of the eighteenth century Dissenters were assiduous in their support of academies, in which the sons of their more wealthy families, and young men intending to become ministers, were educated. Doddridge was only one in a long series of devout and scholarly men who were thus employed. The Rev. Richard Frankland, now a forgotten link in that series, lived to educate more than three hundred divinity students. Memorials are preserved concerning such institutions as existing in Yorkshire, Lancashire, and Shropshire, and in parts of the midland counties, and of the west.* But while an

* Bogue and Bennett's *History of Dissenters*. The *Society for Promoting Christian Knowledge* was founded in 1699, and in about twenty years, besides distributing many religious books, this society succeeded in originating nearly fifteen hundred charity schools, in which more than 32,000 poor children were educated.—Chamberlayne's *State of Britain*, 198, 199.

influential section of the Nonconformists surrendered themselves willingly to the new current of opinion and feeling, all that could be done by the more earnest and evangelical congregations was to impose some check on an injurious course of affairs which proved for a while irresistible. In the middle of the last century there was little probability that any new spiritual power would make itself felt, either within the pale of the Established Church or beyond it.

Change for the better—new position of the Whigs.

The first event favourable to a change for the better came up within the circle of politics. It consisted in the expulsion of the Whigs from office. Opposition was the soil most natural to their principles. It would be expecting too much from human nature to suppose that courts and governments will become the regenerators of society, except as brought under pressure from without. Whig patriotism, and Whig resentment too, prompted the able men of that party to make a vigorous onslaught upon abuses, and to give a bold utterance to those salutary political principles, of which they had seemed to be too often oblivious while basking in the royal favour. Then came the American revolt. Subsequently the French Revolution. Grave events, sufficient to make even triflers thoughtful.

Coleridge and the evangelical revival.

But while these influences were sent into the political horizon, change of another, and of a more potent kind, was to make its appearance elsewhere. Intelligent men who have commented on the barrenness of the natural theology school in the early part of the last century, and of the Christian evidence school in the later portion of it, have fixed on the writings of Coleridge, as constituting a landmark, not merely in the progress of theological thought among us, but in the history of our religious life. Nor have they altogether erred in so doing. The mind of that eminent man rose far above the secular-honesty Christianity of the later church of England divines, into the region of spiritual aspiration which had been realized by many

of their predecessors. But the manner in which this was done was so recondite, that only minds of high culture could be much influenced by it; and even to this day, his speculations in the hands of his disciples touch the general thought of the country but indirectly and partially.

It is to a much humbler agency that we must attribute the signs of progress which distinguish the religious state of England in the nineteenth century from its state in the eighteenth. The great evangelical revival, with its distinctive doctrine, 'Ye must be born again,' was the power employed by Providence to breathe life into the dead creeds of that age. What was wanting was not so much that men should be brought to believe the Bible true, as to believe in it to some spiritual—some religious purpose. Whatever may have been faulty in the proceedings of Whitfield, of Wesley, or of their followers, either within the pale of the Established Church or beyond it, this spiritual life was their aim—the aim which had inspired Reformers, Puritans, and men of that type in former days, and had made them all men of power. The exposition of the gospel as designed to connect the spirits of men with a great future, imparted to the present, as nothing else could have done, significance and greatness. Coleridge aimed to root religion, not merely in the intellect, but in the spiritual sympathies of the soul—in the susceptibilities which yield to the impression of self-evidencing truth. And so far the hill-preacher sent forth by Whitfield, and the philosopher at Highgate, pursued a common end. The effect of the great evangelical revival we see in the 'Clapham sect,' within the Established Church; in the Methodist sects beyond its pale; and in the new life which has been diffused through all our sects of an earlier origin. Within the last century, the episcopal churches, and the episcopal clergy, have become at least one-third more than they were; and if nearly every second worshipper through the kingdom on the Lord's Day is

now a Nonconformist, this is a marvellous gain to the religious intelligence and feeling of the nation, which is to be added to the scarcely less extraordinary gain of the same kind which has been realized within the pale of the National Church.*

Progress of literature.

But if theology, as resting on exegesis, and as a science, declined signally during the eighteenth century, the style of the divines who became conspicuous as writers was a great improvement on the past. In this respect, bishops Hurd, and Horne, and Warburton had no predecessors among men of their own order. Jeremy Taylor might write with more beauty, and Barrow with more fullness, but in the easy manipulation of our language the great Hanoverian churchmen stood on advanced ground. The new influences which affected our literature generally affected them. In this connexion, as in others, the Revolution came as an impetus, and remained as a landmark. It may be true that the men who gave so much brilliancy to the reign of queen Anne cannot be said to have had successors in the later years of George II. It was left to Johnson to remind his generation of the school of essayists represented by Addison and Steele; even our modern essayists take no marked precedence of the men who published such compositions in that age, except as they are generally more thoughtful and instructive.

* 'The later history of Dissent, of its rapid growth and development, its marvellous activity and resources, is to be read in its statistics. The church, in extending her ministrations, had been aided by the state, and by the liberality of her wealthy flocks. Dissent received no succour or encouragement from the state, and its disciples were generally drawn from the less opulent classes of society. Yet what has it done for the religious instruction of the people? In 1801, the Wesleyans had 851 chapels or places of worship; in 1851, they had the extraordinary number of 11,007, with sittings for 2,194,298 persons. The original connexion alone numbered 1034 ministers, and upwards of 13,000 lay or local preachers. In 1801, the Independents had 914 chapels; in 1851, they had 3,224, with sittings for 1,067,760 members. In 1801, the Baptists had 652 places of worship; in 1851, they had 2,789, with sittings for 754,346.'—May's *Constitutional History of England*, ii. 446.

But modern poetry has won for itself a place of its own. With the accession of Charles II. our poetry became a court and city poetry, and, with one or two marked exceptions, so it continued through the next hundred years. The models followed by workmen in this art were classical and artificial. Much was said in praise of the 'unities,' and of 'poetic diction.' Exact rhythm, and polished accuracy, were the great aim of the verse-maker. Platitudes in thought, commonplaces in imagery, were accepted, if the gloss and jingle of the lines were according to prescribed rules. Principles of taste which Parisian critics had canonized, were consecrated anew by Dryden and Pope; and the dull formalism remained in vogue when the vital force which such men threw into it had passed away. When Johnson began to write his 'Lives of the Poets,' English poetry had almost ceased to exist. This was as late as 1780. Shakespeare, as then estimated, was a man of power, but sadly destitute of training. Even Milton had to bide his time. The first dawn of a more free intelligence came from a quarter whence no man could have expected it. William Cowper, 'the gentle, shy, melancholy Calvinist, 'whose spirit had been broken by fagging at school, 'who had not courage to earn a livelihood by reading 'the titles of bills in the house of lords, and whose 'favourite associates were a blind old lady and an evan-'gelical divine,' has been justly described as leading the way in that great revolution of thought and taste which has taken us out of the hands of the Priors, the Parnells, and the Hayleys, and has given us Scott and Byron, Wordsworth and Tennyson. The daring of this 'timid Calvinist' was simply a daring to be natural—to be faithful to realities. His soul revolted against the romantic puerilities, and court millinery, which generally passed for poetry. And when Burns came and broke through pedantic conceits of all sorts, whether old or new, as with the strength of Samson, the work was done—emancipation was accomplished.

Since the close of the last century our poets have given us real transcripts of nature, and pictures of man as he is, with many lofty aspirations in the direction of man as he should be. When we speak of this poetry as holding a place of its own, we do not mean to describe it as taking precedence in all respects of the poetry which the great poets of the past have produced, but as embracing more variety, more depth, and more truth than will be found in the poetry which was popular during nearly the whole of the last century.

In history, no Englishman, a century since, had written so successfully as lord Clarendon. But his stately march was somewhat weighty and cumbrous, and could not compete with the splendour of Gibbon, with the beauty of Hume, or with the ease and grace of Robertson. In political speculation the reasoning of Sidney and Locke was to be enriched by the knowledge, mellowed by the wisdom, and clothed with the beauty brought to all subjects by the genius of Burke —a man at whose feet the most gifted minds of our own generation have taken their place willingly and gratefully. In fiction, the eighteenth century may well boast of Richardson and Fielding. But Anne Radcliffe belongs to the same age. On the whole, in this respect, the present can hardly be regarded as a deterioration from the past.

The arts.

In English history art is a much later form of development than literature. While a succession of schools make their appearance in Italy, the first dating as far back as the early years of the thirteenth century, it is not until late in the century preceding our own that any such sign of culture becomes visible in this country. With the return of Charles II. Sir Peter Lely became the great court painter; and the dissolute spirit of the times may be seen in the meretricious graces of the beauties who became the subjects of his pencil. Antonio Verrio was employed in covering the walls and ceilings of royal and noble edifices with all

kinds of allegorical figures, after the fashion of Versailles. Samuel Cooper, the English artist, painted miniatures in much better taste; and the Vanderveldes were employed in producing some of their best sea pieces. Sir Christopher Wren stood alone as an architect; and Gibbons and Cibber were the only men possessing anything of the genius of the sculptor. Some fourteen years after the Restoration, Sir Godfrey Kneller came into the place of Sir Peter Lely. But from the death of Charles I. to the accession of the house of Brunswick, the condition of art in England was deplorably low. Sir Godfrey was freely patronized by William and Mary; but under Anne the chief employment of artists about London seems to have been, in taking copies from old masters, and in disposing of them as originals. It was the humour of the time to encourage foreign artists, and to set a high value on old paintings in preference to new; and to this caprice the slow progress of art among us may in great part be attributed.

Under George I. Charles Jervas, Jonathan Richardson, and Sir James Thornhill became known as English painters; and Hawksmoor and Gibbs as architects. Before 1760, Hudson, the master of Sir Joshua Reynolds, had distinguished himself; and with him came Hayman, the historical painter; Scott and Lambert, who painted in landscape; Knapton and Cotes, who took good portraits; and in the wake of this group Hogarth makes his appearance, whose name brings us at once into the circle of modern art. But before reaching that circle our early artists were many of them obliged to descend to very humble occupations. Sir James Thornhill engaged to paint the walls and ceilings of Greenwich Hospital at three pounds a yard, and contracted for portions of the work to be done by other hands at a lower rate. At that time, not only ale-houses and taverns, but houses of ordinary business, were decorated with signs, some of them of a very fanciful or grotesque description; and many of

those eccentric pieces of heraldry were painted by artists of real ability, who were constrained to accept such employment as yielding them better remuneration than any other.

In 1662 John Evelyn digested a scheme for establishing an academy of art, but it was never acted upon. It was not until after the accession of George I. that the next effort of that kind was made. Thornhill, historical painter to his majesty, solicited aid from the government, which Halifax, then lord treasurer, was not disposed to grant. Thornhill and Hogarth then established private academies for teaching, and a succession of such arrangements prepared the way for the first public exhibition of paintings by British artists. This exhibition was in the Foundling Hospital, and for the benefit of the charity. It consisted of pictures furnished by nineteen artists, Hogarth being one of that number. To the surprise of most persons, the rank and fashion of London were drawn daily to the apartments. It was not, however, until 1760, twenty years later, that the first exhibition as the act of the profession can be said to have taken place. One hundred and thirty pictures, produced by sixty-nine artists, were then brought together in the rooms belonging to the Society of Arts. This exhibition became annual during the next seven years, though not restricted to one place, and not without some sharp disagreements among the exhibitors. But in 1768 the Royal Academy was founded. Sir Joshua Reynolds became the first president. From that time art was to make rapid advances in Great Britain. The feeling which was to infuse so much independence and truthfulness into English literature soon after the middle of the last century, was to become no less perceptible in English art. At present, if the French may be said to surpass us in sculpture, they do not take precedence in painting, nor does any other school; while several which were once famous have lost all their celebrity. In English artists there is less mannerism and more

freshness and variety, than will be found in those of any other country.*

Ancient and modern society.

So in art, as in much besides, we see a wide chasm separating between past and present in English history. But, in many respects, no such space can be said to separate between society in the modern world and society in the ancient world. In exact science, in literature, in art, and in mental and moral philosophy, the ancients have left but little to be added by us. In all these departments of culture, we have evolved their principles anew, and have modified or applied them in a manner of our own; but in fact we have not done much else than tread that circle again which they had trod so often. The influences which have made modern society what it is, compared with the ancient, come from two sources—from physical science and religion.

Modern physics.

The physics of the ancients were elementary and mistaken in a surprising degree. Their geography scarcely extended beyond the countries bordering closely on the Mediterranean. That sea was to them, the 'middle earth' sea. Their astronomy had brought them but to the threshold of the universe as it is now known. We must speak in similar terms of their chemistry, of their magnetism, and, we hardly need say, of their geology. But to these sciences we must trace nearly all the elements of material progress distinguishing society in our time from what it was in the days of Cicero and Pericles. Even with us, too, these sciences cannot be said to be more than some two centuries old. In that interval, the progress of human intelligence in this vast field has been far greater than had been realized through all the long centuries which preceded. The men who may be pronounced the fathers of physical science, either as preceptors or discoverers, are lord Bacon and Tycho

* Taylor's *Origin, Progress, and Present Condition of the Fine Arts in Great Britain.* Sandby's *History of the Royal Academy.*

Brahe, Copernicus and Galileo, Kepler and Newton. The spirit of these gifted men brooded over various processes, the issues of which were to be to society as life to the dead. The science of method as expounded by Bacon; the accurate astronomical measurements achieved by Tycho Brahe; the true theory of the solar system, as announced by Copernicus; the higher uses of the telescope effected by Galileo; the laws of planetary motion as ascertained by Kepler; and the law of gravitation as discovered by Newton,—all were to be tributary to that power of navigation, and that engineering skill, which have thrown such a flood of light over the surface of the world. Chemistry and electricity, which have given us our steam-power and our telegrams, have given us unlimited advantages of which generations not long since passed away had no conception. Astronomy has not conferred the gift of prophecy on the astrologer,—but it has done something much better. Chemistry, too, has not enabled the alchemist to turn inferior metals into gold—but it has attained to successes of a far higher order. To describe what modern science has done, and is doing, in the production of rifled ordnance, and iron-plated war-ships, would require large space. The revolution brought about by these inventions, promises to be second only to that produced by the discovery of gunpowder.

Christianity.

The religion which distinguishes the modern world from the ancient has done what an authoritative revelation only could have done—it has given existence to a family of nations who are not polytheists, but the worshippers of one God. Under the influence of such teaching the Hebrews became an exception in this respect among the ancient nations. Christianity is a development of Judaism, and the theism proclaimed by Mohammed was borrowed from the same source. No nation, in ancient or modern times, has escaped the vortex of idolatry, except under this Hebraic influence. Even among Christians, Romanists have

not been able to avoid the snare of saint-worship and image-worship, a new form of polytheism—so strong is the tendency in human weakness to drop down to that level. Nor is there anything in modern intelligence, if what is Christian in it were to be taken out of it, that could insure us against the lapse of Europe into its old paganism, or into forms of heathenism which would be very near akin to it.

Its benignant influence.

But our present concern is with the social, more than with the theological tendencies, of Christianity. Two facts bear special attestation to its benign influence—its elevation of woman, and its repugnance to slavery. Woman, according to the spirit of the New Testament, is in a highly-favoured position if compared with woman as seen generally in the eastern world, or as she was regarded, both by law and usage, among the Greeks and Romans. In respect to slavery, it is true, the apostles allowed that question to drop into comparative abeyance in their time. It became them to take that course, if the great object of their spiritual mission was not to be frustrated. But they laid down great principles, which were to seeth in the minds of men through the ages to come, and which, in their time, were to show themselves strong enough, not only to fix a brand upon slavery, but on many other forms of wrong dishonouring to the relations of man with man. At the commencement of the Christian era, full two-thirds of the population, in the most civilized states, consisted of bondsmen and bondswomen. Not only agriculture, but art, in its highest as well as in its more useful forms, was carried on by such hands. Slave-labour, and slave-skill, supplied nearly everything needful to the comfort and embellishment of life, even in patrician households. At the same time, according to the language of Roman law, a slave was not a person, but a thing, and a mere chattel could have no rights.*

* Blair's *Slavery among the Romans.*

These were the ideas and usages which the Romans introduced into Roman Britain, and which have long since passed from among us. In the course of ages, labour, which was everywhere more or less in bonds, has come to be everywhere free. We have before observed that this great social revolution, with all its good, has brought upon us some of the most pressing of our social difficulties. How to harmonize this vast scheme of social liberty with social order is the great problem to the modern statesman. The relations of employer and employed have come into the place of the relations between master and slave. Self-interest was sufficient to prompt the master to provide in some sort for his slave. Hence, in antiquity, poor-laws and public charities were unknown. The poor being for the most part the property of the rich, every rich man was expected to provide for his own poor. With us, such good offices are left to be spontaneous; and they generally take the form of benevolent organizations—a mode of expressing the humane feeling of the higher classes towards the lower which is altogether peculiar to modern society, and in too great a degree to our own country. Under the same influences, education, and culture in many forms, have been made to descend more and more to the mass of the people—so much so, that, under queen Victoria, the skilled artizan, and even the common workman, often possesses a larger knowledge of books, a better acquaintance with science, and more taste for art, than would be found upon an average among the parochial clergy, or the country gentlemen, of England under George II. The causes which serve in this manner to bring the many more and more to a common ground with the few, are causes which deepen and diffuse all that we intend by the word—civilization.

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CORRIGENDA.

VOL. I.

Page 73, note, *for* lib. xi. ep. 13, 54, *read* 'lib. iv. ep. 13; xi. ep. 15.
„ 208, line 5, *omit* 'that both have,' &c.
„ 579 „ 4, *for* 'son of Lionel,' *read* 'descended from the.'
„ 620 „ 20, *for* 'kings,' *read* 'things.'

VOL. II.

Page 494, line 9, *after* 'communion,' *read* 'as proposed by the commissioners,' see p. 577.
„ 494 „ 14, *for* '1553,' *read* '1552.'

VOL. III.

Page 55, line 23, *for* 'regular,' *read* 'irregular.'
„ 59 „ 20, *for* 'Godwin,' *read* 'Goodwin.'
„ 99, note, line 13, *for* 'us, those,' *read* 'as those.'
„ 146, last line, *for* 'Saleer,' *read* 'Sallee.'
„ 400, line 29, *for* 'Hyde Cottington,' *read* 'Hyde and Cottington.'
„ 429, *for* 'Culpeper,' *read* 'Colepepper.'

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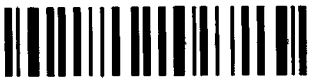
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